


1974

## 32. Book VII, Vol. 8: Domestic surveillance activities directed by the White House

Don Edwards

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## why Nixon can't let it hang out!

1. WH employees burglarized Fielding
2. Caulfield bugged Kraft.
3. Ulasewicz to Chappaquiddick
4. Hunt cable forgery.
5. Teddy shot out lights McGovern, Lq.
6. Hunt disguise from CIA to enter Dita Beard.

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Congress of the United States  
Committee on the Judiciary  
House of Representatives  
Washington, D.C. 20515

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June 12, 1974

The Honorable William E. Simon  
Secretary of the Treasury  
Washington, D. C. 20220

Dear Mr. Secretary:

In connection with the investigation being conducted pursuant to H. Res. 803, adopted February 6, 1974, the Committee on the Judiciary has today duly adopted a resolution deeming it necessary, and authorizing and directing its Chairman or such agents as he may designate, to inspect all tax returns of President Richard M. Nixon, the White House, Washington, D. C. 20500 for the years 1969 through 1972, and other things related thereto, and to request and obtain copies thereof. A copy of that resolution is enclosed.

In accordance with the terms of the resolution adopted by the Committee, I designate John Doar, Special Counsel to the Committee, and such other members of the Committee's staff as may be named by Mr. Doar, to inspect such returns and other things related thereto, and to request and obtain copies thereof.

In order that the Committee's investigation may proceed expeditiously, please notify Mr. Doar as soon as the materials described above are available.

Thank you for your cooperation.

Sincerely,

PETER W. RODINO, JR.  
Chairman

Enclosure

115. On April 4, 1973 John Ehrlichman telephoned Judge Byrne. Ehrlichman has testified that he asked Byrne if this was an appropriate time in light of the present situation in the Ellsberg trial for a conversation to discuss a non-judicial federal appointment and that Byrne responded they could talk right away. Judge Byrne has stated that Ehrlichman requested a meeting on a subject which had absolutely nothing to do with the case. On April 5, 1973 Ehrlichman met with Judge Byrne at San Clemente, California. Ehrlichman has testified that he told Judge Byrne to walk away if a subject arose which he felt might impinge on his ability to fairly try the Ellsberg case. Ehrlichman told Judge Byrne that the President was interested in knowing whether or not Judge Byrne had an interest in being nominated as the director of the Federal Bureau of Investigation. Ehrlichman has testified Judge Byrne indicated a very strong interest in the position. Judge Byrne has stated that he advised Ehrlichman that his initial reaction was that he could not and would not give consideration to any other position until the Ellsberg case was concluded. During this meeting the President was introduced to Judge Byrne and exchanged greetings with him.

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- 115.1 John Ehrlichman log, April 5, 1973 (received from SSC).
  - 115.2 John Ehrlichman testimony, 6 SSC 2617-19.
  - 115.3 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1020.
  - 115.4 Wm. Matthew Byrne statement, United States v. Russo, April 30, 1973, 21,333-34, 21,349-50.

116. On April 6, 1973 Judge Byrne requested a second meeting with Ehrlichman. On April 7, 1973 Ehrlichman met with Judge Byrne in a park at the corner of Ocean Avenue and Montana Street in Santa Monica, California. Ehrlichman has testified that Judge Byrne again evidenced a very sharp interest in the FBI directorship. Judge Byrne has stated that he, at Ehrlichman's suggestion, had reflected on his initial reaction and reaffirmed that he would not consider nor in any way discuss the position as director of the FBI while the Ellsberg case was pending before him.

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116.1 John Ehrlichman testimony, 6 SSC 2619-20.

116.2 Wm. Matthew Byrne statement, United States v. Russo, May 2, 1973, 21,655-56.

117. On April 11, 1973 Chapin committed perjury before the Watergate Grand Jury in responding to questions about White House involvement with Segretti. Chapin testified that he wanted to protect Haldeman in his testimony and reported to the White House immediately after the appearance that Haldeman's name had been mentioned in connection with hiring Segretti.

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117.1 United States v. Chapin, Indictment, November 29, 1973.

117.2 United States v. Chapin, Docket, 5.

117.3 Dwight Chapin testimony, United States v. Chapin, transcript, April 3, 1974, 498-99, 506-07, 612-14.



118. On April 14, 1973 the President, Haldeman and Ehrlichman discussed at several meetings Haldeman's involvement with Segretti and the resulting legal or political problems of that connection. They discussed whether Haldeman should make a public disclosure of this activity.

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118.1 White House edited transcript of a conversation among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 8:55 - 11:31 a.m., 41.

118.2 White House edited transcript of a conversation among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 2:24 - 3:55 p.m., 15-16, 40, 47-48.

118.3 White House edited transcript of a conversation among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 5:15 - 6:45 p.m., 34-36, 39-40, 43.

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119. On April 15, 1973 John Dean told two of the Watergate prosecutors, Earl Silbert and Seymour Glanzer, that E. Howard Hunt and Gordon Liddy had participated in a break-in at the office of a psychiatrist of Daniel Ellsberg. In a memorandum dated April 16, 1973 Silbert reported to Henry Petersen the information he received respecting the break-in. Petersen ordered a Department of Justice investigation to determine if there was any information in the possession of the prosecutor in the Ellsberg trial then being conducted in Los Angeles, which emanated from the burglary of the psychiatrist's office. On April 18, 1973 Petersen received two memoranda stating that no information had been derived from such a source.

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- 119.1 Memorandum from Earl Silbert to Henry Petersen, April 16, 1973, United States v. Russo, Exhibit 27.
  - 119.2 Memorandum from John Martin to Kevin Maroney, April 18, 1973, United States v. Russo, Exhibit 28.
  - 119.3 Memorandum from Kevin Maroney to Henry Petersen, April 18, 1973, United States v. Russo, Exhibit 29.
  - 119.4 Henry Petersen testimony, 9 SSC 3630.
  - 119.5 Henry Petersen affidavit, May 9, 1973, SSC Exhibit No. 93, 6 SSC 2652-54.
  - 119.6 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 74-75 (received from Watergate Grand Jury).

120. On April 16, 1973 from 10:00 to 10:40 a.m. the President met with John Dean. The President stated that the electronic surveillance of Kraft was done through private sources because Hoover did not want to do it, but it was finally turned over to the FBI. The President stated that the surveillance was necessary because leaks from the NSC were in Kraft's and other columns. The President stated that this information was privileged and Dean agreed.

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120.1 House Judiciary Committee transcript of a conversation between the President and John Dean, April 16, 1973, 10:00 - 10:40 a.m., 28-30.



121. On April 17, 1973 the President stated to William Rogers that he was thinking of Judge Byrne for the FBI directorship.

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121.1 White House edited transcript of a tape recorded conversation among the President, William Rogers, H. R. Haldeman and John Ehrlichman, April 17, 1973, 5:20 - 7:14 p.m., 28.

122. On April 18, 1973 the President had a telephone conversation with Henry Petersen. Petersen told the President that the prosecutors had obtained information that the office of Daniel Ellsberg's psychiatrist had been burglarized by Hunt and Liddy. The President replied that he knew of that operation, that it was a national security matter, and that the Department of Justice was not to investigate it. The President also ordered the Watergate prosecutors not to question E. Howard Hunt about these activities as they had planned. Petersen immediately relayed the President's orders to Silbert.

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- 122.1 President Nixon daily diary, April 18, 1973, Exhibit 49, In re Grand Jury, Misc. 47-73.
- 122.2 Henry Petersen testimony, 9 SSC 3630-31.
- 122.3 President Nixon statement, May 22, 1973, 9 Presidential Documents 696.
- 122.4 President Nixon statement, August 15, 1973, 9 Presidential Documents 993.
- 122.5 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1020.
- 122.6 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 73-75 (received from Watergate Grand Jury).

123. On April 19, 1973 the President discussed with his Special Counsel, Richard Moore, Ehrlichman's possible criminal liability arising out of events connected with the Ellsberg case.

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123.1 President Nixon daily diary, April 19, 1973,  
Exhibit 50, In re Grand Jury, Misc. 47-73.

123.2 Richard Moore testimony, 5 SSC 1960-62.

124. On April 25, 1973 Petersen delivered to Attorney General Kleindienst the Justice Department memoranda written by Silbert, Martin and Maroney respecting the break-in of the office of Ellsberg's psychiatrist. They agreed that the information about the break-in should be disclosed to Judge Byrne.

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124.1 Henry Petersen testimony, 9 SSC 3631-32, 3644.

124.2 Richard Kleindienst testimony, 9 SSC 3574-75.

124.3 Memorandum from Attorney General Kleindienst to Henry Petersen dated April 25, 1973, Exhibit 30, United States v. Russo.

125. On the afternoon of April 25, 1973 Attorney General Kleindienst had a conversation with the President. Kleindienst showed the President the Justice Department memoranda relating to the break-in at the psychiatrist's office and informed the President that the information should be disclosed to the Court in the Ellsberg case. The President authorized him to do so.

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125.1 Richard Kleindienst testimony, 9 SSC 3574-75, 3607.

125.2 President Nixon statement, May 22, 1973, 9 Presidential Documents 696.

125.3 President Nixon statement, August 15, 1973, 9 Presidential Documents 993.

125.4 President Nixon press conference, August 22, 1973, 9 Presidential Documents 1020-21.



126. On April 26, 1973 David Nissen, the prosecutor in the Ellsberg case, was instructed to file the four Justice Department memoranda relating to the break-in at the psychiatrist's office with the court in camera. Nissen filed the documents in camera after court had adjourned at 2:45 p.m. At 4:05 p.m. Judge Byrne reconvened court and stated that the prosecutors had made an in camera filing. He also stated that after examining the materials he would not accept the filed materials in camera, and asked the prosecutors to advise him by the next morning as to what the government's position would be with respect to turning the material over to the defendants. The next morning on April 27, 1973, Nissen informed Judge Byrne that the Washington office did not want the contents of the in camera filing disclosed to the defense. Judge Byrne ordered that the information be supplied to the defense and in open court read the memorandum from Silbert to Petersen dated April 16, 1973. Judge Byrne also ordered a government investigation to determine if the defendants' Constitutional rights had been violated by the break-in.

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- 126.1 Memorandum from Attorney General to Henry Petersen, April 25, 1973, United States v. Russo, Exhibit 30.
  - 126.2 United States v. Russo, transcript of proceedings, April 26, 1973, 21,150-56.
  - 126.3 United States v. Russo, transcript of proceedings, April 27, 1973, 21,159-60; 21,169-75.

127. On April 27, 1973 FBI agents interviewed John Ehrlichman about the break-in of the office of Dr. Lewis Fielding, Daniel Ellsberg's psychiatrist. Ehrlichman stated E. Howard Hunt and Gordon Liddy had been designated in 1971 to conduct an investigation of the Pentagon Papers leak directly out of the White House. Ehrlichman stated that he knew Liddy and Hunt had gone to California to investigate Ellsberg's habits, mental attitudes and emotional and moral problems. Ehrlichman stated he learned of the break-in after it had occurred and he then instructed Hunt and Liddy not to do this again. Ehrlichman told the FBI he did not know if any information had been obtained in the burglary.

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127.1 John Ehrlichman interview, FBI, April 27, 1973, United States v. Russo, Exhibit 36, reprinted in SJC, Richardson Confirmation Hearings, 243.



128. On April 30, 1973 in response to an inquiry by defense attorneys, Judge Byrne disclosed that he had met previously with Ehrlichman at which time a possible federal appointment was discussed, and that at the same time he had met the President. Judge Byrne also turned over to the defense the three additional Justice Department memoranda relating to the break-in at the psychiatrist's office and ordered the government to investigate and disclose all information that may exist concerning electronic surveillance of the defendants.

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128.1 United States v. Russo, transcript of proceedings, April 30, 1973, 21,333-34, 21,410-11, 21,369-70.

128.2 Washington Star News, April 30, 1973, A-3.

129. On April 30, 1973 John Ehrlichman met with David Young. Ehrlichman told Young that his files were to go to the President because the Ellsberg operation was a matter of national security. Young was instructed to decline to answer any inquiries on grounds of national security and executive privilege. Young has testified that he expressed concern that Ehrlichman had not told the FBI that he had approved the California operation beforehand and Ehrlichman replied that he was not asked that question. Young has testified that Ehrlichman told him not to address the question of whether Ehrlichman had discussed the Fielding break-in with the President in advance of its occurrence.

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- 129.1 David Young testimony, District of Columbia Grand Jury, August 23, 1973, 116-24.
  - 129.2 Memorandum of David Young of a meeting between Young and John Ehrlichman, April 30, 1973 (received from SSC).
  - 129.3 John Ehrlichman log, April 30, 1973 (received from SSC).

130. On May 2, 1973 as a result of a renewed defense motion raising the propriety of Judge Byrne's meeting with Ehrlichman, Judge Byrne stated that he had met with Ehrlichman both on April 5, 1973 and April 7, 1973 and disclosed that the position discussed had been the FBI directorship.

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130.1 Wm. Matthew Byrne statement, United States v. Russo, transcript of proceedings, 21,655-66.

131. On May 10, 1973 Judge Byrne received two memoranda, one from Acting FBI Director William Ruckelshaus and the other from Assistant Attorney General Henry Petersen. The Ruckelshaus memorandum stated that he had received a preliminary report indicating that Daniel Ellsberg had been overheard talking from the residence of Dr. Morton Halperin at a time when Ellsberg was a guest of Halperin. The Petersen memorandum informed Judge Byrne that the government did not know how many interceptions of Ellsberg took place, when they took place, between whom they occurred, or what was said. Nor did the government know what had happened to the tapes, logs or other records pertaining to the surveillance.

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131.1 Memorandum from Henry Petersen to Judge Byrne,  
May 10, 1973, United States v. Russo, Exhibit 72.

131.2 Memorandum from William Ruckelshaus to Henry Petersen  
dated May 9, 1973, United States v. Russo, Exhibit 68.

132. On May 10, 1973 former Assistant Attorney General Robert Mardian disclosed to agents of the FBI that at the direction of the President he had delivered the 1969-71 wiretap records to Ehrlichman.

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132.1 Robert Mardian interview, FBI, May 10, 1973  
(received from Department of Justice).

132.2 William Ruckelshaus deposition, Halperin v. Kissinger, July 25, 1973, 61-62.

133. On May 11, 1973 Judge Byrne dismissed the indictment in the Ellsberg case on the grounds of governmental misconduct including the action taken by a special investigations unit established by White House officials to investigate Daniel Ellsberg and the inability of the government to produce the wiretap logs on Daniel Ellsberg. On that same day, at an interview which took place approximately one hour after Judge Byrne ordered dismissal, Ehrlichman informed agents of the FBI that records of the electronic surveillance delivered to him by Mardian were located in Ehrlichman's White House safe. On May 12, 1973 William Ruckelshaus went to the White House and retrieved the electronic surveillance records from a room into which Ehrlichman's records had been moved following his resignation.

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133.1 Judge Byrne statement and Order of Dismissal, United States v. Russo, May 11, 1973, 22,685-91.

133.2 William Ruckelshaus testimony, Halperin v. Kissinger deposition, July 25, 1973, 63-69.





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✓ THURSDAY, APRIL 5, 1973

8-10:30 Paul O'Brien  
 11:00 ~~11:30~~ ~~HRH~~ President  
 3:00 President  
 4:00 Judge Matthew Byrne

✓ FRIDAY, APRIL 6, 1973

10:30 Bebe Rebozo  
 11:00 President  
 11:30 Herb Kalmbach (parking lot of Bank of America,  
 San Clemente)  
 1:00 Ted Ashley (Warner Brothers)  
 1:15-1:45 President  
 1:45 ~~3:00~~ Resume lunch with Ashley  
 7:00 Baseball game with the President - Anaheim

✓ SUNDAY, APRIL 8, 1973

8:30 Helicopter from Palomar  
 9:00 Depart El Toro  
 4:30 Arrive Andrews 2:00 - President (Air Force One)  
 5-7 HRH, John Dean

✓ MONDAY, APRIL 9, 1973

10:30 Secretary Shultz' office - Stein, Ash, Flanigan  
 12:30 Lunch with AG - at Justice  
 2-2:45 President  
 6:30 Blair House - Senators Ervin, Baker

✓ TUESDAY, APRIL 10, 1973

8:30 Bipartisan Leadership  
 10:15 Len Garment, Ziegler  
 11:15 Ziegler, HRH  
 12:45-2 President  
 2:20 Mr. Luce (Con Ed), Marshall McDonald (Florida Power  
 and Light)  
 3:00 HRH  
 3:15 Joined by Dean  
 5:00 Len Garment





PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972  
SENATE RESOLUTION 60

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HEARINGS  
BEFORE THE  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES  
OF THE  
UNITED STATES SENATE  
NINETY-THIRD CONGRESS  
FIRST SESSION  
WATERGATE AND RELATED ACTIVITIES  
Phase I: Watergate Investigation  
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973  
Book 6



Printed for the use of the  
Select Committee on Presidential Campaign Activities

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WASHINGTON : 1973

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decide to indict you for some crime, and if as you have indicated the tapes may well provide you with evidence that would prove your innocence, could you use this as a defense and have the case dismissed?

Mr. EHRLICHMAN. It has never occurred to me, Senator, and I would not touch the question with a 10-foot pole frankly, for fear I might somehow affect my rights or someone else's rights, and I think you would be sensitive to that. It is not something that has occurred to me, and I hasten to say it is not anything that I have talked to anyone in the White House about. It is a new wrinkle as far as I am concerned.

I started to respond in terms of my interest, which is not, I feel, prejudiced—

Senator INOUE. This aspect was never discussed with anyone?

Mr. EHRLICHMAN. I have never discussed it with anyone, no, sir.

Senator INOUE. Mr. Ehrlichman, your record indicates that you are a fine lawyer, you served for a time as the President's most trusted legal officer, you have been in private practice, and so I would assume that, like most of us here, you are aware of the code of ethics written and unwritten about the profession.

Mr. EHRLICHMAN. The legal profession?

Senator INOUE. Yes.

Mr. EHRLICHMAN. Yes, sir.

Senator INOUE. We have certain ethical codes.

Now, in early 1973, April 1973, the so-called *United States v. Russo, Ellsberg* case was in full bloom. The papers were covering this almost daily. It was a matter of grave interest and concern, not just for the press but for, I think, Members of the Congress, and the people of the United States. Now, in April of 1973, you called the presiding judge, Judge Byrne, did you not, and invited him to visit you at San Clemente?

Mr. EHRLICHMAN. Yes, sir.

Senator INOUE. And it was to discuss a possible appointment of Judge Byrne as the Director of the FBI.

Mr. EHRLICHMAN. Well, generally speaking, yes; not precisely but generally.

Senator INOUE. And you involved the President of the United States, who is also a lawyer, in the discussions.

Mr. EHRLICHMAN. I involved him? No, sir, I did not.

Senator INOUE. Did the President also meet Judge Byrne.

Mr. EHRLICHMAN. Yes; but I cannot say that I involved him. As Judge Byrne and I were walking the President came out of his office and came over and greeted Judge Byrne.

Senator INOUE. What was the nature of your conversation with Judge Byrne?

Mr. EHRLICHMAN [conferring with counsel]. My conversation, Senator?

Senator INOUE. Yes, sir.

Mr. EHRLICHMAN. I would like to go back and tell you how the conversation occurred, if I might, in order to put it in setting, if you have no objection.

Senator INOUE. Please do, sir.

Mr. EHRLICHMAN. It was evident that the Gray nomination was not going to be sustained, and at the President's instruction I contacted Judge Byrne. As it happened, before I talked to Judge Byrne I talked

with the Attorney General and told him of the President's instruction to me and of the fact that Judge Byrne was going to be coming to San Clemente for a meeting.

The Attorney General expressed his wholehearted approval of that meeting. He was a very enthusiastic advocate of Judge Byrne to be nominated if Mr. Gray could not be.

The conversation which I had with Judge Byrne on the telephone was substantially this: I said:

Judge, I have been asked by the President to call you. I have been asked to discuss with you a Federal appointment which is not judicial in character. I do not know whether this is an appropriate time for us to have a conversation like this because I do not know what the present situation in your trial is.

The impression I had from the newspapers was that the case was in its last stages, they were either in surrebuttal or had completed surrebuttal, and I did not know at that point what the posture of the case really was.

Senator INOUYE. Were you aware at that point the judge had not rendered his decision?

Mr. EHRLICHMAN. Well, it was a jury case, and I was aware had not gone to the jury yet.

Senator INOUYE. Had not given instructions to the jury?

Mr. EHRLICHMAN. So I said to the judge, "This is not a conversation which is urgent. We need not have it now but at some point in time I would like to have this conversation."

The judge responded, "I see no reason why we couldn't talk right away."

So I said, "Well, if that is the case, what is convenient for you?" -

This was a Friday, I believe, yes, a Friday.

He said, "Well, I could come down this afternoon."

So I said, "Fine," and that is what happened. We set an appointment for 4 o'clock in the afternoon and he came down to my office.

When he came into my office I said again,

"I am sensitive to the fact that you are trying an important lawsuit. I propose that we take a walk out toward the bluff from the office. If at any point a subject arises that you feel in any way impinges upon your ability to fairly try the case you just turn around and walk away from me and, as I said before, this is not something that needs to be discussed right now. We can talk about it later without prejudice.

He said, "Fine, let's proceed on that basis." So we did.

We walked out to the bluff and back and it was a conversation of perhaps 5 minutes total. The gist of the conversation was that I advised him it was the President's conclusion that he was going to have to resubmit a nomination for Director of the FBI, that he was interested in knowing whether or not Judge Byrne had an interest in the position. If he did, then obviously any decision on the President's part as to a nomination would finally be the President's, but that it would be helpful to know of his interest.

The judge indicated a very strong interest. He told me a number of his experiences with the FBI, that is to say he had been a U.S. attorney, he had had a number of experiences with the Bureau. he had some ideas about how the Bureau was falling short, some ideas about how it might be improved. He mentioned just that he had those ideas without getting into it in any great detail. So, he gave me an impression of very clear interest.



As we walked back, as I say, the President came out of his office, didn't know the judge apparently, was introduced to him. They chatted just very briefly, not about the case obviously but about just pleasantries. Their conversation lasted perhaps 30 seconds, and the President went back in his office. We returned to my office, where I said, "Well, I think the way we have to leave this is that I now know you have an interest and obviously the President has to reserve his options completely as to whether there is an offer to you or not."

So that was the end of that conversation.

Next day, during—there was a second conversation, Senator, I am getting ahead of myself here. I take it you would like me to recount that?

Senator INOUE. Please do, sir.

Mr. EHRLICHMAN. The next afternoon about midafternoon which would have been Friday, my secretary interrupted a conversation I was having to say that the judge was on the telephone. I took the phone call. He said, "I have been giving a lot of thought to our conversation of yesterday, and I would like to talk with you again."

I said, "Fine. My instructions are to be available to you. I would be happy to see you. When would you like to—"

"No," I said, "there is a problem. We are leaving the day after tomorrow to go back to Washington. Could we work it in in the next couple of days?"

He said, "Yes, I will be available on Saturday."

I said, "Fine. I am planning to be in Santa Monica on Saturday. Would you like to meet me there?"

And he said, "Sure, I am glad to work it out."

I said, "My mother lives a block from Palisades Park in Santa Monica. Why don't we meet there and have another walk," so he said, "Fine."

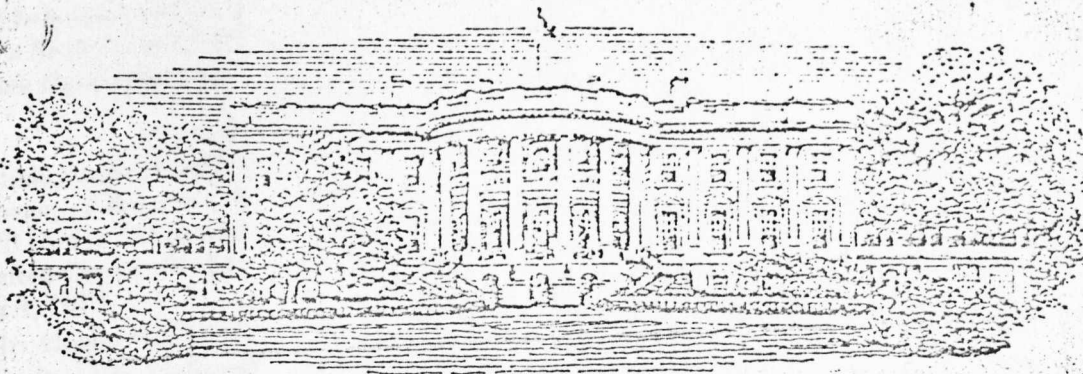
So we made a point to meet at Ocean Avenue and Montana Street by the park on Saturday in the middle of the afternoon, which we did.

We had a short walk during which he again evidenced very strong interest. He did not press me for an offer. When we got finished with the conversation, which again took about 5, no more than 10 minutes, he got in his car and left. Again no offers had been made, no acceptances, but I took this as an occasion when we wanted to restate his very strong interest to me in the position, and it was more symbolic than it was significant from the standpoint of content.

Senator INOUE. This all occurred at a time when Judge Matthew Byrne was the presiding judge in the case of *United States v. Russo, Ellsberg et al.*, and I think it would be an understatement to say that your interest and the President's interest in the outcome of the case was more than casual. You have indicated your interest in the Ellsberg situation to the extent that you had his psychiatrist's office burglarized. This was a case of major importance as far as the Justice Department was concerned. You wanted the outcome to be in favor of the Government, and under all those circumstances you still felt it was proper to call upon the presiding judge to make this offer. Didn't you think it was highly improper, unethical?

Mr. EHRLICHMAN. Senator, I can't accept your question without quarreling with some of your assumptions, I am sorry. But you very, very easily stated that I was the instigator of the burglary of Dr. Fielding's office, that is not—





*Weekly Compilation of*  
**PRESIDENTIAL  
DOCUMENTS**

Monday, August 27, 1973



Volume 9 • Number 34

Pages 1007-1034



## ACTION

*Announcement of Intention To Nominate  
Harry J. Hogan To Be Associate Director for  
Policy and Program Development.  
August 21, 1973*

The President today announced his intention to nominate Harry J. Hogan, of Bethesda, Md., to be Associate Director of ACTION for Policy and Program Development. He will succeed Charles W. Ervin, who resigned effective September 4, 1973.

Since 1972, Mr. Hogan has been director of government relations for Catholic University, in Washington, D.C. From 1971 to 1972, he was engaged in the private practice of law, served as a consultant on educational and environmental matters, and was professor of law at Delaware Law School, in Wilmington, Del. From 1969 to 1971, he was counsel of the House Special Subcommittee on Education.

He was born on May 2, 1914, in Newark, N.J. Mr. Hogan was graduated magna cum laude from Princeton University, received his LL.B. from Columbia Law School, and received his Ph. D. in American History from George Washington University. He served in the U.S. Navy during World War II, attaining the rank of commander.

From 1947 to 1952, Mr. Hogan was on the legal staff of the Tennessee Valley Authority, the Bureau of Land Management, and the Bureau of Indian Affairs. From 1952 to 1961, he was engaged in the private practice of law in The Dalles, Oreg., where he was twice elected District Attorney (1956 and 1960). From 1961 to 1968, Mr. Hogan served as general counsel of the Bonneville Power Administration, in Portland, Oreg.; as Associate Solicitor for Water and Power of the Department of the Interior, and as Legislative Counsel of the Department of the Interior.

Mr. Hogan is married and has three daughters. The Hogans reside in Bethesda, Md.

NOTE: The announcement was released in San Clemente, Calif.

## THE PRESIDENT'S NEWS CONFERENCE OF AUGUST 22, 1973

*Held at the Western White House*

### SECRETARY OF STATE

THE PRESIDENT. Ladies and gentlemen, I have an announcement before going to your questions.

It is with the deep sense of not only official regret, but personal regret, that I announce the resignation of Secretary of State William Rogers, effective September 3. A letter, which will be released to the press after this conference, will indicate my appraisal of his work as Secretary of State.<sup>1</sup>

I will simply say at this time that he wanted to leave at the conclusion of the first 4 years. He agreed to stay on because we had some enormously important problems coming up, including the negotiations which resulted in the end of the war in Vietnam, the Soviet summit, the European Security Conference, as well as in other areas—Latin America and in Asia—where the Secretary of State, as you know, has been quite busy over these past 8 months.

As he returns to private life, we will not only miss him, in terms of his official service, but I shall particularly miss him because of his having been, through the years, a very close personal friend and adviser.

That personal friendship and advice, however, I hope still to have the benefit of, and I know that I will.

<sup>1</sup> For an exchange of letters between the President and Secretary of State Rogers, see page 1025 of this issue.

ell in a telephone call that I had with him immediately it occurred, expressed great chagrin that he had not run a tight enough shop, and that some of the boys, as he called them, got involved in this kind of activity, which he knew to be very, very embarrassing, apart from its illegality, to the campaign. Throughout I would have expected Mr. Mitchell to tell me in the event that he was involved or that anybody else was. He did not tell me. I don't blame him for not telling me. He has given his reasons for not telling me. I regret that he did not, because he is exactly right. Had he told me, I would have blown my stack, just as I did at Ziegler the other day. [Laughter]

Q. Mr. President, I wonder, sir, how much personal blame, to what degree of personal blame do you accept for the climate in the White House, and at the reelection committee, for the abuses of Watergate?

THE PRESIDENT. I accept it all.

Q. Mr. President, I want to state this question with due respect to your office, but also as directly as possible.

THE PRESIDENT. That would be unusual. [Laughter]

Q. I would like to think not. It concerns—

THE PRESIDENT. You are always respectful, Mr. Rather. You know that.

Q. Thank you, Mr. President. It concerns the events surrounding Mr. Ehrlichman's contact, and on one occasion your own contact with the judge in the Pentagon Papers case, Judge Byrne.

THE PRESIDENT. Yes.

Q. As I understand your own explanation of events and putting together your statement with Mr. Ehrlichman's testimony, and what Judge Byrne has said, what happened here is that sometime late in March, March 17, I believe you said, you first found out about the break-in at the psychiatrist's office of Mr. Ellsberg, that you asked to have that looked into, and that you later, I think in late April, instructed Attorney General Kleindienst to inform the judge.

Now, my question is this. If while the Pentagon Papers trial was going on, Mr. Ehrlichman secretly met once with the judge in that case, you secretly met another time the judge with Mr. Ehrlichman. Now, you are a lawyer, and given the state of the situation and what you knew, could you give us some reason why the American people should not believe that that was at least a subtle attempt to bribe the judge in that case, and it gave at least the appearance of a lack of moral leadership?

THE PRESIDENT. Well, I would say the only part of your statement that is perhaps accurate is that I am a lawyer. Now, beyond that, Mr. Rather, let me say that with regard to the secret meeting that we had with the judge, as he said, I met with the judge briefly--after all, I had appointed him to the position--I met him for perhaps one minute outside my door here in full view of the whole White House Staff, and everybody else who wanted to see. I asked him how he liked his job, we did not discuss the case, and he went on for his meeting with Mr. Ehrlichman.

Now, why did the meeting with Mr. Ehrlichman take place? Because we had determined that Mr. Gray could not be confirmed, as you will recall. We were on a search for a Director of the FBI. Mr. Kleindienst had been here, and I asked him what he would recommend with regard to a Director, and I laid down certain qualifications.

I said I wanted a man preferably with FBI experience, and preferably with prosecutor's experience, and preferably, if possible, a Democrat so that we would have no problem on confirmation. He said, "The man for the job is Byrne." He said, "He is the best man." I said, "Would you recommend him?" He said, "Yes."

Under those circumstances then, Mr. Ehrlichman called Mr. Byrne. He said: Under no circumstances will we talk to you—he, Ehrlichman, will talk to you—if he felt that it would in any way compromise his handling of the Ellsberg case.

Judge Byrne made the decision that he would talk to Mr. Ehrlichman, and he did talk to him privately, here. And on that occasion, he talked to him privately, the case was not discussed at all—only the question of whether or not, at the conclusion of this case, Mr. Byrne would like to be considered as Director of the FBI.

I understand, incidentally, that he told Mr. Ehrlichman that he would be interested. Of course, the way the things broke eventually, we found another name with somewhat the same qualifications, although, in this case, not a judge. In this case, a chief of police with former FBI experience.

Now, with regard to the Ellsberg break-in, let me explain that in terms of that, I discussed that on the telephone with Mr. Henry Petersen on the 18th of April. It was on the 18th of April that I learned that the grand jury was going away from some of its Watergate investigation and moving into national security areas.

I told Mr. Petersen at that time about my concern about the security areas, and particularly about the break-in as far as the Ellsberg case is concerned.

And then he asked me a very critical question, which you, as a nonlawyer will now understand, and lawyers probably will, too. He said, "Was any evidence developed out of this investigation, out of this break-in?" And I said, "No, it was a dry hole." He said, "Good."

Now, what he meant by that was that in view of the fact that no evidence was developed as a result of the break-in—which is, incidentally, illegal, unauthorized, as far as I was concerned, and completely deplorable—but since no evidence was developed, there was no requirement that it be presented to the jury that was hearing the case. That was why Mr. Petersen, a man of impeccable credentials in the law enforcement field, did not, at that time on the 18th, at a time that I told him what I had known about the Ellsberg break-in, say, "Let's present it then to the grand jury," because nothing had been accomplished, nothing had been obtained that would taint the case.

It was approximately 10 days later that Mr. Kleindienst came in and said that, after a review of the situation in the prosecutor's office in Washington, in which Mr. Petersen







## IN THE UNITED STATES DISTRICT COURT

## CENTRAL DISTRICT OF CALIFORNIA

\_\_\_ 115.4 Wm. Matthew Byrne statement \_\_\_

HONORABLE WM. MATTHEW BYRNE, JR., JUDGE PRESIDING

- - -

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 9373-CD-WMB,
	)	
ANTHONY JOSEPH RUSSO,	)	
DANIEL ELLSBERG,	)	
	)	
Defendants.	)	

## REPORTERS' TRANSCRIPT OF PROCEEDINGS

PLACE: Los Angeles, California

DATE: Monday, April 30, 1973

PAGES: 21,331 - 21,450

ROBERT E. KILLION, CSR  
BARBARA J. KILLION, CSR  
Official Court Reporters  
110 U. S. Court House  
312 North Spring Street  
Los Angeles, California 90012  
(213) 688-3280

1 LOS ANGELES, CALIFORNIA; MONDAY, APRIL 30, 1973; 10:20 A. M.

2

- - -

3

(The following proceedings were

4

had in open court, out of the presence

5

and hearing of the jury:)

6

THE COURT: I understand you have some

7

matters, Mr. Boudin?

8

MR. BOUDIN: I do, your Honor.

9

THE COURT: Before getting to those, there

10

has been made mention to me by Mr. Nesson, through a

11

telephone call to my clerk Mr. Treiman, regarding the

12

statement made regarding a meeting with the President about

13

a month ago.

14

So there will be no misunderstanding,

15

I want you gentlemen to be fully aware of what actually did

16

occur.

17

I received a telephone call from

18

Mr. John Ehrlichman asking me to talk with him regarding

19

the subject matter that he said had absolutely nothing to

20

do, even remotely, with this case. The following day I met

21

with Mr. Ehrlichman and he suggested to me a possible future

22

assignment in government.

23

During this meeting I was briefly

24

introduced to the President, with whom I was present for

25

approximately one minute or less. During that time we merely

1     exchanged greetings.

2                     Regarding Mr. Ehrlichman's suggestion  
3     to me, I advised him that my initial reaction was that I  
4     could not and would not give consideration to any other  
5     position until this case is concluded. I indicated that  
6     the duration of the case was uncertain, that it would be at  
7     least one month.

8                     Shortly thereafter I had a brief  
9     conversation with Mr. Ehrlichman wherein I confirmed my  
10    initial reaction by advising Mr. Ehrlichman that I would  
11    not discuss nor would I give consideration to any other  
12    assignment while this case is pending before me.

13                    Except for my comment mentioned above  
14    regarding the duration of the trial, I did not discuss with  
15    the President or with Mr. Ehrlichman, nor did they discuss  
16    with me, any aspect of this case.

17                    So, Mr. Nesson, that is in response to  
18    the call that you made to my law clerk this morning.

19                    All right.



1 had been rifled.

2 He does not know what was taken. He does not  
3 know what was copied.

4 I looked, in the presence of the doctor, I  
5 looked not, of course at the files, but I looked at the  
6 outside and I verified on Saturday the fact that the files  
7 had been physically damaged.

8 The details of information I have set forth in an  
9 affidavit prepared by counsel for the doctor, and I have  
10 submitted it to the Court.

11 Subsequently we followed through with the  
12 cleaning people and found some minor discrepancies as to  
13 which one of them had actually allowed the visitors with  
14 the suitcase to enter the doctor's apartment, and the  
15 discrepancies are unimportant.

16 The fact is that this now confirms the fact  
17 referred to in the Silbert-Petersen memorandum that the  
18 break-in occurred.

19 Now may I just take a glass of water?

20 THE COURT: Yes, you may.

21 Mr. Nesson, incidentally, in furtherance of the  
22 statement that I made to you before on your phone call,  
23 I don't know whether it was you who brought it to my law  
24 clerk or not, something about the duration. I stated  
25 that the meeting, the whole meeting, with Mr. Ehrlichman was

1 fifteen minutes. I don't know whether that was some other  
2 inquiry.

3 All right, Mr. Boudin.

4 MR. BOUDIN: Now what we are asking your Honor  
5 to do here is press forward immediately on an investigation  
6 of all of these matters.

7 And we are asking your Honor for specific  
8 kinds of relief, which I will recite in a few minutes,  
9 which we think necessitates the suspension, we hope very  
10 briefly, because the cost to all of us emotionally,  
11 financially and otherwise, and to the judicial system,  
12 is very great -- to a suspension of the further testimony  
13 before the jury until your Honor has conducted the  
14 investigation that we think the due administration of justice  
15 requires, an investigation which we thought had been  
16 directed by your Honor on Friday, but which seems to have  
17 followed the pattern that we have observed here on the  
18 part of the Government for the last year.

19 This is an investigation that we are prepared  
20 to begin this very minute, and that we hope will result in  
21 the appearance of witnesses here, if not today, then  
22 tomorrow morning.

23 But let me at least elaborate the facts first  
24 as I see them so that the full dimensions of the problem will  
25 appear to your Honor, although I suspect they already do, as





116. On April 6, 1973 Judge Byrne requested a second meeting with Ehrlichman. On April 7, 1973 Ehrlichman met with Judge Byrne in a park at the corner of Ocean Avenue and Montana Street in Santa Monica, California. Ehrlichman has testified that Judge Byrne again evidenced a very sharp interest in the FBI directorship. Judge Byrne has stated that he, at Ehrlichman's suggestion, had reflected on his initial reaction and reaffirmed that he would not consider nor in any way discuss the position as director of the FBI while the Ellsberg case was pending before him.

---

116.1 John Ehrlichman testimony, 6 SSC 2619-20.

116.2 Wm. Matthew Byrne statement, United States v. Russo, May 2, 1973, 21,655-56.



PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972  
SENATE RESOLUTION 60

---

HEARINGS  
BEFORE THE  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES  
OF THE  
UNITED STATES SENATE  
NINETY-THIRD CONGRESS  
FIRST SESSION

---

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973

Book 6



Printed for the use of the  
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1973

96-296 O

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Washington, D.C. 20402 - Price \$3  
Stock Number 5270-01966

As we walked back, as I say, the President came out of his office, didn't know the judge apparently, was introduced to him. They chatted just very briefly, not about the case obviously but about just pleasantries. Their conversation lasted perhaps 30 seconds, and the President went back in his office. We returned to my office, where I said, "Well, I think the way we have to leave this is that I now know you have an interest and obviously the President has to reserve his options completely as to whether there is an offer to you or not."

So that was the end of that conversation.

Next day, during—there was a second conversation, Senator, I am getting ahead of myself here. I take it you would like me to recount that?

Senator INOUYE. Please do, sir.

Mr. EHRLICHMAN. The next afternoon about midafternoon which would have been Friday, my secretary interrupted a conversation I was having to say that the judge was on the telephone. I took the phone call. He said, "I have been giving a lot of thought to our conversation of yesterday, and I would like to talk with you again."

I said, "Fine. My instructions are to be available to you. I would be happy to see you. When would you like to—"

"No," I said, "there is a problem. We are leaving the day after tomorrow to go back to Washington. Could we work it in in the next couple of days?"

He said, "Yes, I will be available on Saturday."

I said, "Fine, I am planning to be in Santa Monica on Saturday. Would you like to meet me there?"

And he said, "Sure, I am glad to work it out."

I said, "My mother lives a block from Palisades Park in Santa Monica. Why don't we meet there and have another walk," so he said, "Fine."

So we made a point to meet at Ocean Avenue and Montana Street by the park on Saturday in the middle of the afternoon, which we did.

We had a short walk during which he again evidenced very strong interest. He did not press me for an offer. When we got finished with the conversation, which again took about 5, no more than 10 minutes, he got in his car and left. Again no offers had been made, no acceptances, but I took this as an occasion when we wanted to restate his very strong interest to me in the position, and it was more symbolic than it was significant from the standpoint of content.

Senator INOUYE. This all occurred at a time when Judge Matthew Byrne was the presiding judge in the case of *United States v. Russo, Ellsberg et al.*, and I think it would be an understatement to say that your interest and the President's interest in the outcome of the case was more than casual. You have indicated your interest in the Ellsberg situation to the extent that you had his psychiatrist's office burglarized. This was a case of major importance as far as the Justice Department was concerned. You wanted the outcome to be in favor of the Government, and under all those circumstances you still felt it was proper to call upon the presiding judge to make this offer. Didn't you think it was highly improper, unethical?

Mr. EHRLICHMAN. Senator, I can't accept your question without quarreling with some of your assumptions, I am sorry. But you very, very easily stated that I was the instigator of the burglary of Dr. Fielding's office, that is not—

Senator INOUE. This really didn't have anything to do with it.

Mr. EHRLICHMAN. I can't agree with that.

Senator INOUE. But you were aware that a burglary did occur?

Mr. EHRLICHMAN. I will accept that.

Senator INOUE. You had approved a covert operation to get information legally, as you said?

Mr. EHRLICHMAN. Let me respond directly, Senator, if I may.

Senator INOUE. Yes.

Mr. EHRLICHMAN. I can assure you that there was no such motive in my thoughts at the time of this meeting, and I am sure that is also true of the Attorney General, and I am sure it is true of the President. We were trying to get the best man that we could to be Director of the FBI, and that was the sole and singular motive.

Now, I have scoured the canons of ethics to find—and I bring this up because you referred to it at the outset—to find where I had in any way infringed upon them. Bear in mind I was not in the capacity of attorney, I had not been in the capacity of an attorney for some 3 years in the Government. I was a member of the executive branch, I was the President's agent in this matter, and my function in this was purely ministerial.

I don't accept the suggestion that I was an officer of the court, so to speak, in this setting. I simply wasn't.

Now, I take some comfort from the fact that I did this with the full knowledge of the Attorney General of the United States, who had all of the facts, which I did not.

Senator INOUE. He was aware that you were offering the FBI directorship to the judge?

Mr. EHRLICHMAN. Well, I did not offer it. He was aware precisely what I was going to do.

Senator INOUE. Were you not aware that this would present an impression of impropriety?

Mr. EHRLICHMAN. I was not.

Senator INOUE. Why were you sensitive about this?

Mr. EHRLICHMAN. Why was I sensitive about this?

Senator INOUE. Yes.

Mr. EHRLICHMAN. Well, I was sensitive about this, as anyone would be, because I was not personally as familiar with the progress of that trial as you evidently were from the reading of the press. I had to depend on the judge to tell me the proprieties in this matter. He was in possession of all of the facts. I was in possession of few, if any of them.

Senator INOUE. Then, I gather you were much surprised and shocked at the reaction of the public and the reaction of the legal profession when this was known?

Mr. EHRLICHMAN. In candor, I have been surprised, yes, sir, and I think it was in part because it has not been fully explained. I am grateful for this opportunity to tell exactly what happened.

Senator INOUE. And you still maintain that the Attorney General and you, in calling upon the judge, did nothing improper or unethical?

Mr. EHRLICHMAN. I would be very grateful to you, Senator, if you could specify the canon that you feel applies here. I have taken advice on this and I have not been able to determine, except in the most nebulous and general terms, some rather vague feeling that people have that a canon has been violated.





IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

116.2 Wm. Matthew Byrne statement

HONORABLE WM. MATTHEW BYRNE, JR., JUDGE PRESIDING

- - -

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 9373-CD-WMB
	)	
ANTHONY JOSEPH RUSSO,	)	
DANIEL ELLSBERG,	)	
	)	
Defendants.	)	

REPORTERS' TRANSCRIPT OF PROCEEDINGS

PLACE: Los Angeles, California

DATE: Wednesday, May 2, 1973

PAGES: 21,643 - 21,867

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(213) 688-3280

## 1 APPEARANCES:

2 For the Plaintiff:

3 WILLIAM D. KELLER  
United States Attorney4 DAVID R. NISSEN  
Assistant United States Attorney5 WARREN REESE  
Assistant United States Attorney6 RICHARD BARRY  
Assistant United States Attorney

7 For Defendant Russo:

8 LEONARD I. WEINGLASS

9 For Defendant Ellsberg:

10 LEONARD B. BOUDIN  
CHARLES NESSON  
VICTOR RABINOWITZ

11 Also Present:

12 PAUL LAVERONI  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1 I am asking both parties, all parties,  
2 to prepare and file forthwith -- hopefully tomorrow -- points  
3 and authorities pertaining, not only to the motion to  
4 dismiss, but also to a motion for mistrial, points and  
5 authorities directed at both of those types of motions, so  
6 that I can review -- and I am not talking about a factual  
7 analysis now; I am talking about a legal analysis -- so that  
8 I can review what authorities you have in that regard.

9 All right. Also having gone through  
10 your motion yesterday, I note that there are some areas  
11 that -- also having reviewed the transcript of our discussion  
12 the other day -- a couple of areas that you present by way  
13 of quotes that I want the record to be clear on, and I want  
14 the defendants, as I said the other day, to have all the  
15 facts available to them for making whatever motions they may  
16 deem to be appropriate.

17 You quote me in the transcript -- and the  
18 transcript is correct -- as stating that there was discussion  
19 of a proposed future assignment in government. That should  
20 be clarified that the future assignment that was discussed,  
21 so your records and your presentations may be accurate and  
22 you won't have to rely on outside sources -- the position that  
23 was discussed with me was director of the Federal Bureau of  
24 Investigation, the one that they raised to me.

25 There also was some confusion as to the



1 dates. Going back over the transcript again in the discussion  
2 with Mr. Weinglass, where the date of April 15th was  
3 discussed, you state in your motion in quotes "That about  
4 a month ago" -- So you will understand the dates, as I  
5 told you, of the meeting with Mr. Ehrlichman where the  
6 position of the FBI was brought up, that was on April 5th,  
7 as I stated to you the other day.

8           Shortly thereafter I had a brief  
9 conversation with Mr. Ehrlichman reconfirming my position.  
10 That conversation took place on April the 7th. That was the  
11 conversation in Santa Monica. It was at that conversation,  
12 as I mentioned to you the other day, that I confirmed my  
13 initial reaction. I told Mr. Ehrlichman, both stating what  
14 I said the other day and now, that I had reflected, at his  
15 suggestion, on my initial reaction, and that I confirmed  
16 my initial reaction that I would not consider, nor would I  
17 in any way even discuss the position as director of the FBI  
18 that was mentioned to me while this case was pending before  
19 me.

20           So in clarification, there was nothing  
21 on or about April 15th. Everything in this regard was said  
22 by April 7th, and there was no discussion at any time with  
23 anybody thereafter.

24           All right. Let's bring the --

25           MR. BOUDIN: May I just say a word, Your Honor,





117. On April 11, 1973 Chapin committed perjury before the Watergate Grand Jury in responding to questions about White House involvement with Segretti. Chapin testified that he wanted to protect Haldeman in his testimony and reported to the White House immediately after the appearance that Haldeman's name had been mentioned in connection with hiring Segretti.

---

117.1 United States v. Chapin, Indictment, November 29, 1973.

117.2 United States v. Chapin, Docket, 5.

117.3 Dwight Chapin testimony, United States v. Chapin, transcript, April 3, 1974, 498-99, 506-07, 612-14.



UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DWIGHT L. CHAPIN,  
Defendant.

Criminal No. 990-73  
Violation of  
18 U.S.C. § 1623  
(False Declarations)

INDICTMENT

COUNT ONE

The Grand Jury charges:

1. On or about April 11, 1973, in the District of Columbia, DWIGHT L. CHAPIN, the defendant, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before the June, 1972 Grand Jury, a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did knowingly make false material declarations as hereinafter set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, sections 371, 612, 2511, and 22 D.C. Code 1801(b) and other statutes of the United States and of the District of Columbia had been committed

*Beall J*



in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, or conspired to commit such violations.

3. It was material to the said investigation that the Grand Jury ascertain the nature of the activities engaged in by Donald Segretti, a subject of the investigation, and the identity of the individual or individuals who directed or had knowledge of those activities.

4. At the time and place alleged, DWIGHT L. CHAPIN, the defendant, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

Q. Did you ever discuss in any way  
with Mr. Segretti the distribution  
of any campaign literature or  
statements of any kind?

*not g*  
not g

A. No.

Q. To your knowledge did Mr. Segretti  
ever distribute any statements of  
any kind, or any campaign literature  
of any kind?

*guilty*  
guilty

A. Not that I am familiar with.

5. The underscored portions of the declarations quoted in paragraph 4, made by the defendant, were material to the said investigation and, as he then and there well knew, were false.

(In violation of Title 18, United States Code, section 1623.)

*not guilty this*  
*crime*  
not guilty this

COUNT TWO

The Grand Jury further charges:

1. The Grand Jury realleges all of the allegations of paragraphs 1, 2 and 3 of Count One of this indictment.

2. At the time and place alleged, DWIGHT L. CHAPIN, the defendant, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 of Count One as follows:

*not guilty*  
not guilty

Q. Now following June 17 and the Water-gate, what contact, if any, did you have with Mr. Segretti?

A. It's been very, very limited.

Q. Well, have you ever seen him for example, since June 17th?

A. Until today, I don't believe so.

Q. Have you ever talked to him on the telephone?

A. Yes.

Q. Can you tell us when?

A. I talked to him when he called me to tell me that the FBI had called him. That was the first time that I talked to him. That would have been, I guess, probably the end of July or June, or the beginning of July.

Q. What did you say to him once he advised you that the FBI had contacted him?

A. I told him to talk to the FBI.

3. The underscored portion of the declarations quoted in paragraph 2, made by the defendant, was material to the said investigation and, as he then and there well knew, was false.

(In violation of Title 18, United States Code, section 1623.)

*guilty*  
guilty

COUNT THREE

The Grand Jury further charges:

1. The Grand Jury realleges all of the allegations of paragraphs 1, 2 and 3 of Count One of this indictment.

2. At the time and place alleged, DWIGHT L. CHAPIN, the defendant, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 of Count One as follows:

Q. What candidates do you recall receiving information about?  
Senator Muskie - was he one?

A. Yes. I think virtually Muskie and Humphrey, Wallace.

Q. Senator McGovern?

A. Jackson, McGovern. I think virtually all of them. I forget now who all the candidates were. I think that covers it.

Q. At one time or another during this period of time, in the early months of 1972, you received information from Mr. Segretti relating to all these candidates?

A. As I recall, two of them may be mentioned in one little note or something. But they were not documents or reports - what you and I would consider reports.



Q. Did you ever express any interest to him, or give him any directions or instructions with respect to any single or particular candidate?

A. Not that I recall.

3. The underscored portion of the declarations quoted in paragraph 2, made by the defendant, was material to the said investigation and, as he then and there well knew, was false.

(In violation of Title 18, United States Code, section 1623.)

COUNT FOUR

*not subm to jury.*  
not subm to jury.

The Grand Jury further charges:

1. The Grand Jury realleges all of the allegations of paragraphs 1, 2 and 3 of Count One of this indictment.

2. At the time and place alleged, DWIGHT L. CHAPIN, the defendant, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 of Count One as follows:

Q. What arrangements were made with respect to him insofar as the financing of this operation?

A. I believe I gave him instructions to call --to get in touch with Herb Kalmbach.

Q. Well, did you discuss with him --that is with Mr. Segretti --anything with respect to amounts of money?

A. Never. I never knew what he was paid.

Q. Did you ever, prior to his contacting Mr. Kalmbach, did you ever discuss the range of money that you were discussing or talking about?

A. No, I didn't.

\* \* \*

Q. What did he tell you as to the arrangement he had worked out?

A. Nothing. He just said that he had met with Don and that everything was taken care of. I didn't ask what that meant.

Q. Did you ever find out the salary arrangement or the expense arrangement that had been worked out with Mr. Segretti?

A. Only through the Washington Post.

Q. Outside of that you had no knowledge?

A. No.

\* \* \*

Q. (A juror) Mr. Chapin, not unless this question and answer has gotten past me, but how did Mr. Segretti operate, and with whose funds, and where did the funds come from?

A. The funds that Mr. Segretti operated with, I have no knowledge as to where they were originated from. I only know - actually I don't know for a fact that Mr. Kalmbach paid Mr. Segretti.

I only know that I told Mr. Kalmbach to get together with Mr. Segretti and to work out payment. I don't know the amount of money or the form in which it was exchanged, or where the money would have originally come from.

3. The underscored portions of the declarations quoted in paragraph 2, made by the defendant, were material to the said investigation and, as he then and there well knew, were false.

All in violation of Title 18, United States Code, section 1623.

A TRUE BILL

Julius L. Murphy  
Foreman

Leon J. Jankowski  
LEON JANKOWSKI  
Special Prosecutor





117.2 United States v. Chapin  
docket

DATE	PROCEEDINGS
73 Nov	29 ✓ INDICTMENT FILED (4 Counts)
73 Nov	29 ORDER assigning case to Judge Gerhard A. Gesell for all purposes. SIRICA, C.J.
73 Dec	6 MOTION for leave to file pre-trial motions, without prejudice aft the arraignment, P/A; c/s.
73 Dec	7 APPEARANCE of Jacob A. Stein entered as counsel for defendant. ARRAIGNED: Defendant handed copy of indictment; PLEA OF NOT GUILTY entered; ✓ ORDER SIGNED releasing defendant on Personal Bond; MOTIONS to be filed by 1-9-74; GOVERNMENT to respond by 1-23-74; ✓ HEARING on Motions set for 1-31-74 at 9:30 a.m.; Trial is set for 2-19-74 at 9:30 a.m. GESELL, J Rep-Watson Jacob Stein & Gerard E. Mitchell, Attys
73 Dec	7 ORDER for release of deft on unsecured appearance bond with conditions. Deft released from Court Room. GESELL, J

CONTINUED)

[9648]

## United States District Court for the District of Columbia

States vs. DWIGHT L. CHAPIN Cr. No. 990-73 Supplemental Page No. 5

## PROCEEDINGS

- 3 TRIAL RESUMED; Same jurors & alternates; Court orders breakfast for 16 jurors & 4 Deputy Marshals & lunch for 16 jurors & 3 Deputy Marshals; Motion of defendant to dismiss Count 4 of the indictment heard & GRANTED; respited until 4-4-74 at 10 A.M.; bond.  
GESELL, J. Rep-Watson, Blair, Dourian, Olson  
Jacob A. Stein, Gerard E. Mitchell & Belford Lawson, III, Attys
- 4 TRIAL RESUMED; same jurors & alternates; Court orders breakfast for 16 jurors & 4 deputy marshals and lunch for 16 jurors & 3 deputy marshals; Four alternates discharged; Jury retires and begins deliberations; respited until 4-5-74 at 9:00 A.M.; bond.  
NOTE from jury filed.  
GESELL, J. Rep-Blair, Watson J.A. Stein, G.E. Mitchell & B. Lawson, Attys
- 5 MOTION of defendant to dismiss Counts 1 & IV on grounds of duplicity, or in the alternative to compel election by the Government DENIED 4-1-74.  
GESELL, J. (N) (FIAT)  
TRIAL RESUMED: Same jurors; Court orders breakfast for 12 jurors & 4 Deputy Marshals; VERDICT: GUILTY on COUNTS 1 & 3; NOT GUILTY on COUNT 2. (As to Count 1, the deft is found guilty of having knowledge of distribution of statements and/or distribution of campaign literature by Mr. Segretti & Not Guilty of having discussed said distribution with him.); Jury discharge  
Note from Jury & RETYPED INDICTMENT filed. Sentencing is set for 5-15-74 at 1:45 p.m.; referred; bond. GESELL, J Rep-Blair  
Jacob Stein, Gerard E. Mitchell, & Belford Lawson, III, Attys
- 8 TRANSCRIPT OF PROCEEDINGS 4-1-74; Pages 1-155; Court copy; Rep-I.Z. Watson  
TRANSCRIPT OF PROCEEDINGS 4-2-74; Pages 156-402; Court copy; Rep-I.Z. Watson  
TRANSCRIPT OF PROCEEDINGS 4-3-74; Pages 403-634; Court copy; Rep-I.Z. Watson  
TRANSCRIPT OF PROCEEDINGS 4-4-74; Pages 635-763; Court copy; Rep-I.Z. Watson
- 12 MOTION for Judgment of Acquittal; C/S; P/A  
MOTION for a new trial; C/S; P/A







Watson/ska

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

-----:
   
:
   
UNITED STATES OF AMERICA:
   
:
   
v. : Criminal No. 990-73
   
:
   
DWIGHT L. CHAPIN, :
   
:
   
Defendant :
   
:
   
-----:

Washington, D. C.  
April 3, 1974

The above-entitled cause came on for further trial before  
the HONORABLE GERHARD A. GESELL, United States District Judge,  
and a Jury, at 9:30 a.m.

APPEARANCES: (As heretofore noted.)

IDA Z. WATSON  
Official Reporter  
U. S. Court House  
Washington, D. C.

COPY FOR:  
MR. HUGHES

PAGES: 403-634

Q And where was your job assignment located?

A It was in Chicago, Illinois -- right outside of Chicago at a little city called Elks Grove Village.

Q And where was your family in March of 1973?

A My family was -- my family remained in Washington until I moved them over some time in April - a year ago, right now.

Q Going back a bit, Mr. Chapin, you heard Mr. Dean's testimony, did you not, that you talked with him. What did Mr. Dean say to you concerning any criminal problems that you might have? Because of Mr. Segretti?

A It is my recollection that Mr. Dean informed me that I had no legal problems.

Q How many times did you have conversations with him do you recall?

A Dozens.

Q And where you concerned about it?

A Very.

Q Did you receive different information -- that is that you might have had a criminal problem - from anyone else at any time?

A Well I could draw that conclusion from the barrage of publicity that I was receiving from the papers, but I didn't -- no one said, you know, "you may have a criminal problem," no -- it was by inference or something.

Q When these things would appear, would you go and see Mr. Dean?

A Yes, sir.

Q And in your mind what was Dean's role to you - what did you look to Dean for?

A Well, Dean was my lawyer.

Q And those conversations, I believe, took place before you left the White House in March?

A Er --

Q With Dean?

A Yes, but I believe Mr. Dean testified this morning that he talked to me after I left the White House.

I happen to know that he did talk to me --

Q Pardon me?

A I happen to know that he did talk to me after I left the White House.

Q And after you left the White House, Mr. Chapin, did you turn these matters over with him about whether you did have a criminal problem?

A I don't know that I turned that over with him but -- for sure, Mr. Stein, I just don't know.

Q Did he ever change his opinion?

A Never.

Q Now picking it up again in March - you are undertaking a new job with United Airlines at that time?

A Yes.

A Five -- five or ten minutes. It might have been a little longer because they moved us from one room to a room right before you walk into the grand jury room, so we waited in both places - so maybe it was twenty minutes.

Q When you went before the Grand Jury, Mr. Chapin, did you have in mind this Bob Haldeman problem?

A Yes, I did.

Q Which was what -- what was the problem as you saw it?

A It was the approval process.

Q Well -- what was your problem?

A My problem was that I didn't want to have to use his name while I was in that room.

Q And that relates back to the blanks in the November 5th document?

A Yes, sir.

Q Were you asked a series of questions concerning the matter of approval?

A I was.

Q And did you give Mr. Haldeman's name?

A I did.

Q After you left the Grand Jury room did you call Mr. Haldeman?

A I called his office, yes.

Q Why?

A I wanted to talk to him or to Larry Higbee and let



them know that I had given Bob's name.

Q With respect to the other questions that were asked of you - what was your state of mind with respect to answering them?

A My state of mind was to tell the truth.

Q And from your recollection -- well you have read over your grand jury testimony have you not?

A I have read it several times.

Q Now that you have heard the testimony and have had your memory refreshed by various items -- are there any mistakes in the grand jury testimony other than these matters that we have talked about here in this courtroom today?

A Several.

Q Did you make mistakes as to time and place?

A Yes, I would have.

Q Why did you make those mistakes?

A I don't know why -- I don't know why I made those mistakes.

Q Now you were asked by the grand jury about when you saw Mr. Segretti with respect to June 17th 1973 or some date in there which connects, I think, with the Watergate hearings.

A That was 1973 -- June of 1973.

Q Well you were asked about this FBI thing and you stated that you had told Mr. Segretti to talk to the FBI.

beginning in the end of December, 1972, your relationship with Donald Segretti became a very important matter to you?

A Beginning what date? June of --

Q The summer of 1972 when you were interviewed by the FBI, the beginning of the summer.

A Yes, it became very important. There is no question about that.

Q And did it become even more important to you in October of 1972 when there was a great deal of publicity?

A It became critical.

Q Were you aware that there were discussions within the White House as to whether as a result of that publicity and/or your relationship with Mr. Segretti you might be asked to leave the White House?

A I was not made aware of that until Mr. Dean testified before the Senate, and then I think that is when I heard what must be the full story, but it was not explained to me or brought to me in that way.

Q Now without focussing on the specific ways that it was brought to you, were you aware though that there were some people who were considering in the White House in November of 1972 whether as a result of the publicity of your relationship with Mr. Segretti you might have to leave?

A Oh, definitely, and I think that I participated in those discussions, and let me say this, Mr. Davis, that I had

come to the conclusion that if in any way I was going to be an embarrassment to the President of the United States, I wanted to do something to remove myself from being so close and working so closely with him, and that is what I did, and my one goal there had been to try to keep him from being associated with this Segretti matter because he never in any way was aware of Mr. Segretti's activities and I found it extremely embarrassing to be seated right down the hall from the oval office and being banged away at day after day in the media and having the media construe that in some way perhaps the President knew of my activities when I knew he did not.

Q You were interested also in protecting somebody else other than the President, were you not?

A I was, and I addressed that subject this morning.

Q You were interested in protecting Mr. Haldeman, is that correct?

A That is correct.

Q And in April of 1973 when you testified in front of the Grand Jury you were interested in protecting Mr. Haldeman, is that correct?

A That is correct.

Q And is it true that you didn't want to provide any information which could embarrass Mr. Haldeman at that time?

A Absolutely. I did not want to embarrass Mr. Haldeman.

Q And you didn't want any of the things that Mr.



Segretti had done to be placed at Mr. Haldeman's doorstep, to use the expression, is that correct?

A Well, that was being done anyway just by the mere fact that I had worked --

Q I'm talking about your intention.

A My intention? No.

Q You were very interested in making sure that nothing Mr. Segretti had done was placed at Mr. Haldeman's doorstep, is that correct?

A That is correct, and it was extremely easy to do. You see the only thing that I was worried about was the approval process of money which were the instructions that went to Mr. Kalmbach because in regards to anything that Mr. Segretti did, Mr. Haldeman had no knowledge, so I could not be concerned about that.

Q Well, you yourself expressed concern about leaks, is that correct?

A I was worried about leaks of FBI testimony, yes.

Q Were you concerned that if you told prosecutors about Mr. Segretti's activities that that information would be leaked?

A I hadn't addressed the reputation of the prosecutors in regards to this. I met with Mr. Silbert, and to the best of my knowledge nothing out of the session that I had with Mr. Silbert was leaked to the press.





118. On April 14, 1973 the President, Haldeman and Ehrlichman discussed at several meetings Haldeman's involvement with Segretti and the resulting legal or political problems of that connection. They discussed whether Haldeman should make a public disclosure of this activity.

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118.1 White House edited transcript of a conversation among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 8:55 - 11:31 a.m., 41.

118.2 White House edited transcript of a conversation among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 2:24 - 3:55 p.m., 15-16, 40, 47-48.

118.3 White House edited transcript of a conversation among the President, H. R. Haldeman and John Ehrlichman, April 14, 1973, 5:15 - 6:45 p.m., 34-36, 39-40, 43.



SUBMISSION OF  
RECORDED PRESIDENTIAL CONVERSATIONS  
TO THE  
COMMITTEE ON THE JUDICIARY  
OF THE  
HOUSE OF REPRESENTATIVES  
BY  
PRESIDENT RICHARD NIXON

APRIL 30, 1974



Appendix 14. Meeting: The President, Haldeman and Ehrlichman,  
EOB Office, April 14, 1973. (8:55 - 11:31 a.m.)

(Material unrelated to Presidential actions deleted)

P Did you reach any conclusions as to where we are.

E No conclusions. Dick Wilson, I think, has an interesting column this morning (unintelligible) It's all a money problem. Unintelligible Well, yes --

P Wilson's in the Star.

E (Unintelligible)

P So what--?

H (Unintelligible) is really the essence of this whole thing is too much money. Too much was spent. And so I --

P Yeah. My point, everybody--

H No not everybody. Let's say, one group, pieces that (unintelligible) has on that side and more like (unintelligible) says that his, you know, solving Watergate doesn't take care of it.

P Lots of people, I think want the President to speak out on the whole general issue of money and campaign and all that.

E Generally, but he gets specific on this. He says also (unintelligible)

P Is that what you think, go out and make a speech?

P And an outsider, it's going to take so long. Rush, I trust. Rush is a friend. He is a total White House man, yet he is not tied in to this.

E He's exactly the kind of guy we need. Now, I don't know how he -- he hasn't practiced law for a long time and that's not an immediate drawback, but --

P He has the lawyer's mind.

E You got to get him somebody to help him like

H Haven't events overtaken that project?

P No. No. Bob, the point that I make is let's suppose they get Mitchell. They're going to say now what about Haldeman, what about Chapin, and what about Colson and the rest?

I've got to have a report indicating -- you've got all those Segretti projects. I want somebody to say, now look, here are the facts. Of the White House people (unintelligible).

There are no other higher-up. The White House (unintelligible).

Put a cap on it. And second, then face the Segretti crap.

E In forcing this out, Dean remains a problem and here's -- let me just read you what I've come to on that. "John Dean





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APRIL 30, 1974



Appendix 16. Meeting: The President, Haldeman and Ehrlichman,  
Oval Office, April 14, 1973. (2:24 - 3:55 pm)

P All finished?

E Yes sir. He an innocent man in his heart and in his mind and he does not intend to move off that position. He appreciated the message of the good feeling between you and him.

P He got that, huh?

E He appreciated my --

P How did you get him here? Give us a little chapter and verse.

E Well, I started out by saying that the subject was so difficult for you to talk to him personally about that you had asked me to do this.

P What did you next say?

E That you had had me doing this. That I had presented you with a set of conclusions that were admittedly hearsay, but that pointed in the direction of his ex-soldier and Jeb's and other people and that you were having me systematically talk to these people because in the course of this investigation we had discovered a frame of mind on the part of some people that they should stand mute in order to help the President, and that your sense was that the Presidency was not helped by that, and that it was not my purpose to tell anybody

P Do you think we should ask him that or do you not want to dig him on that?

H That's O.K.

E Once he tells me he intends to go forward to tell the truth, he has nothing to lose in talking to me.

P Without guiding or leading him, you can at least maybe get that out tonight.

H Well, his lawyer will be there.

E Right.

P The other thing is what about -- of course, you realize that if he says something about Strachan then of course that puts an obligation on us to do something about Strachan doesn't it?

E Well at least to corroborate it or investigate it or go forward on it.

H Question, John,--

E Well, if it ends up that way, why then you have a sort of a dog fight.

H Let me say this. I don't think Jeb wants to hang Strachan. I think Jeb is worried about the fact that in going through this, he is going to reveal things that will implicate Strachan. That is the same kind of thinking as Strachan and Chapin, who were both very concerned about getting me into the Segretti

thing. In other words, they see any involvement, any mentioning of the name as being a problem.

P Yeah.

H I don't think Jeb sees it or understands the question of whether he really got Strachan in or not, and I am not sure how far he intends to go with Strachan.

E He didn't say, didn't really make it clear?

H No. He just said unfortunately this whole thing is going to come up and if it comes up, Bob, -- I said, "What is the problem with Gordon?" And he said, "Well, I don't know. That depends on what other people say."

P Other people, you mean like a secretary, you mean, or someone like that?

H Could be.

P Typing a memorandum. To a degree I think one of the nice things in Strachan's case is the -- the other possibility, of course, would be -- maybe they are very likely, they might do this Bob, that they are going to ask the question, "Who told you to do this Jeb, or Mr. Magruder?"

H He stoutly denied that Strachan told him to do it. Larry brought back the exact story that he insists --

P What about the Colson (unintelligible.)

E He says that he is going to have to hurt Mitchell.

H He says, "The ones I am going to hurt is Mitchell, and to some

E Right.

H But you also (unintelligible) the merits of each individual question as to whether it relates to privilege or not and ask you question by question. It will be by your representative (unintelligible). And Connally's happy dream that I go up there charging away at the Senate doesn't work.

P I think Henry has a good point here too and the thought about it is, he doesn't want to go out and be the first witness and if there is an overrule (unintelligible). I think makes sense. Although, let me say I do think that we still ought to consider -- are we still considering the possibility of getting out the Segretti story?

E Yes.

P No way we could do it?

E I think getting out the Haldeman story would be more useful in the light of Magruder and others going down to testify.

P In other words you'd get that out before they testify?

E If possible.



P Then you -- the way I would handle that, I would say,  
"Now let's take the Segretti matter" -- no -- "First,  
let's take Watergate." You say, "I had no knowledge -- "  
(unintelligible). "Let's take the Segretti thing. Now, here  
are the facts." -- Then I would point out -- (unintelligible)  
point out (unintelligible) incrimination?

H No.

E Well, we don't know that.

H Huh?

P (Unintelligible) OK, John. (Unintelligible). with Segretti?

H Well, he was clearly (unintelligible) which is totally  
(unintelligible) that Segretti -- Segretti's instructions were  
that he was to do nothing illegal. And, well then answer  
the question how could you launch a guy out --

P Yeah.

H And (unintelligible)

P Yeah.

H (Unintelligible) that's one of the reasons that they --

P Now, well, yeah.

H (Unintelligible)

P Now -- here's my (unintelligible) then, and there are charges of money -- cash.

H I have a whole list of the general charges.

P Well, the point is on the money, now I'd (unintelligible). I would say, "(Unintelligible) money -- yes, there was three hundred and fifty thousand dollars left over from the campaign in 1970. It was delivered to the White House.

H You see that ties to the same fund that Kalmbach -- see you get a question, how could I authorize the expenditure of money to Segretti?

P Yeah.

H Well, I've already established in the Segretti thing that Kalmbach had these funds left over for the campaign and that's what I would assume he would use.

P Right. Right.

H He was to cut --

P He decided that these funds were made available for private polling and so forth and so on. "They were used only for -- twenty-eight thousand dollars was used for -- twenty-two thousand dollars for advertising and the balance of three hundred and twenty-eight was returned.



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APRIL 30, 1974



Appendix 17. Meeting: The President, Haldeman and  
Ehrlichman, EOB Office, April 14, 1973. (5:15 - 6:45 pm)

(Material unrelated to Presidential Actions deleted)

E Well, he and his two lawyers who are very bright young guys came in. So I said, "Evidently, judging by your phone call earlier this is moot." He said, "Yes we have just come from our informal conference with the U.S. Attorney." He proceeded then to voluntarily give me his whole testimony.

P (unintelligible)

H (unintelligible) sticky wickets, but no new ones.

E That's right.

P Your definition of their (unintelligible)

H On the other side (unintelligible)

P On Dean, he told him to lie?

E Oh, no. He's been a participant, an active participant in this thing right from the very beginning.

H Talked about the case in the most coherent way we've ever had.

E And I must say --

H We finally will know what happened.

E This has the -- this has the ring of truth about it. He is a convincing witness. So, you know. But at the same time it has --

H The believable mess of it is being answered by this.

"There is -- somebody higher than Gordon Liddy had to have agreed to spend a quarter of a million dollars to bug the Democratic National Committee."

E Now you've got that somebody.

P That's Mitchell.

H Now that you've got somebody who was, you've got a believable case where you can now say, "Well, so there was some other stuff going on but this was where the problem was."

P I don't know what the stink --

H Maybe the answer --

P I'd just like to get Segretti out in our formal -- Don't you think so?

H Yes, you've got to get it out. (Unintelligible)

P Haldeman. Just say that Haldeman (unintelligible) and let's see what they say. Huh?

H If it says Haldeman commits guilt.

P I know.

H What I want to do --

P Yeah.

H The Ziegler or Kissinger view is very strongly that that's what I shouldn't do. I'm the last guy to decide who to -- should do it.

P Yeah. What do you think, John?

H John thinks I should.

E I think we should come out.

P You come out like I do. Several of the Republicans --

E Now as I say, I haven't heard Henry's --

P No, I've -- several other Republicans and the like will come out after that and say, "Haldeman should resign because of his involvement in the Segretti matter."

H You have to say I do have to resign or you defend it.

P All right. Defend it.

H Or you defend it. You can't, I don't think you can ignore it. If I've done that you've either got to -- you've got to make the judgment that that was sufficient to cause me to resign or it wasn't. That's the first question of the first person.  
(Unintelligible)

P You think that Haldeman ought to resign, you mean?

E Yeah. Ziegler can, the next day." His connection to this

E was very remote, was very benign." And he helped unwrap it, knowing that -- stepped forward -- we established that a crime was committed by Segretti.

P I would not be as strong for your taking it out, except for his having said "self-incrimination," the fact that that made him --

H You've got a really - a punchy decision which is whether you want me to resign or whether you don't. That's one you've got to figure out. The problem with that is if I go on the basis of the Segretti matter, you've got to let Dean go on the basis of his implication, which is far worse.

P Yeah.

H Strachan's already out of the White House so that's no problem. If he's going to ring Ehrlichman in, you are going to have to let him go.

E He's got sort of a hypothesis in that he is developing in our conversation that -- that -- referring him to Kalmbach -- which is actual. As a matter of fact, I didn't refer him to Kalmbach. He came to me and said, "May I go to Kalmbach."  
(Unintelligible)



P Some of our people can say, "That's tough, now what do you want to investigate?"

H To folks out there just say, just give an answer and get it out of the way. That's all. They don't care.

P It's really such a bad thing. And he'll come in, plead self-incrimination, and clear him.

E Be lively -- copy when they start bringing in all these people from around the country. What they did or who were victims, you know --

P It'd be lively copy, John, but it's so spongy.

E Yeah. -- Lively.

P It's not good stuff.

? (Unintelligible)

P Well, let me explain my analysis. The -- In my opinion, Bob, the forthcoming thing which I think. I tilted against -- I think. I am now tilting for. I think any move right now --

H I think you've got -- if you're going to do it, though, I think you've got to face the likelihood that Magruder or somebody is going to call for my resignation. I hired Segretti. I did hire Segretti.

P You and Strachan.

H Yeah. The stuff over a period of time will have come back with these --

P This is the first time?

H You've got a couple of others who should have been caught.

P We've got to face that.

H You might want to try to tie it to a resignation at the time I do it. On the basis that, "Well, here is a mistake, and I have no problem with it. But I'm also not going to -- not troubled with -- don't want to shut down -- without my sticking around --"

P (Unintelligible) ought to resign which I (unintelligible).

H I'm not suggesting -- I'm not suggesting I'd like to resign. I would not like to.

P Yeah.

H I'd be willing to, without creating any sticky problems.

P The duty of our, all our, the duty of our whole staff though is to play their role --

H I'm free from some other things that I can cut loose, which I could do. The problem that is there on the other side is, there is some pluses to it. What about that?

E Not only that, but you can date it back to negotiations commencing two weeks ago, three weeks ago, whatever it was.

P Yeah. Yeah.

H You put it out my statement at the same time?

P The next day.

H Wednesday.

E Wednesday. You should put my statement out on Wednesday also, or wait until Thursday for my statement. I think we better be right out in the open --

P That's right. I'd put yours out right with it. You're going to have the next day to build it up a little.

H No -- you don't want to build it up.

P Put it right out. The problem here, let me say, in your case, is not Segretti. I think we should go with the Segretti stuff and then -- The problem in your case is Strachan. I mean the -- keeping the (unintelligible).

H (Unintelligible)

P Oh, yes, you will testify on that.





119. On April 15, 1973 John Dean told two of the Watergate prosecutors, Earl Silbert and Seymour Glanzer, that E. Howard Hunt and Gordon Liddy had participated in a break-in at the office of a psychiatrist of Daniel Ellsberg. In a memorandum dated April 16, 1973 Silbert reported to Henry Petersen the information he received respecting the break-in. Petersen ordered a Department of Justice investigation to determine if there was any information in the possession of the prosecutor in the Ellsberg trial then being conducted in Los Angeles, which emanated from the burglary of the psychiatrist's office. On April 18, 1973 Petersen received two memoranda stating that no information had been derived from such a source.

- 
- 119.1 Memorandum from Earl Silbert to Henry Petersen, April 16, 1973, United States v. Russo, Exhibit 27.
  - 119.2 Memorandum from John Martin to Kevin Maroney, April 18, 1973, United States v. Russo, Exhibit 28.
  - 119.3 Memorandum from Kevin Maroney to Henry Petersen, April 18, 1973, United States v. Russo, Exhibit 29.
  - 119.4 Henry Petersen testimony, 9 SSC 3630.
  - 119.5 Henry Petersen affidavit, May 9, 1973, SSC Exhibit No. 93, 6 SSC 2652-54.
  - 119.6 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 74-75 (received from Watergate Grand Jury).



UNITED STATES GOVERNMENT  
MEMORANDUM

DEPARTMENT OF JUSTICE

TO : Honorable Henry E. Petersen  
Assistant Attorney General  
Department of Justice

DATE: April 16, 1973

FROM : Earl J. Silbert  
Principal Assistant  
United States Attorney

COURTS TRIAL  
EXHIBIT

# 27

SUBJECT: Daniel Ellsberg Prosecution

*Dean*  
Dean

This is to inform you that on Sunday, April 15, 1973, I received information that at a date unspecified, Gordon Liddy and Howard Hunt burglarized the offices of a psychiatrist of Daniel Ellsberg to obtain the psychiatrist's files relating to Ellsberg. The source of the information did not know whether the files had any material information or whether any of the information or even the fact of the burglary had been communicated to anyone associated with the prosecution.

Maroney  
advised  
4/18/73  
& instructed  
to check on the  
LAGJ  
(handwritten)

---

Retyped from indistinct original



UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

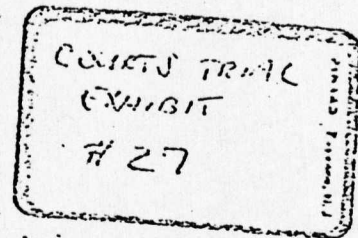
*Memorandum*

TO : Honorable Henry E. Petersen  
Assistant Attorney General  
Department of Justice

DATE: April 16, 1973

FROM : Earl J. Silbert  
Principal Assistant  
United States Attorney

SUBJECT: Daniel Ellsberg Prosecution



This is to inform you that on Sunday, April 15, 1973, I received information that at a date unspecified, Gordon Liddy and Howard Hunt burglarized the offices of a psychiatrist of Daniel Ellsberg to obtain the psychiatrist's files relating to Ellsberg. The source of the information did not know whether the files had any material information or whether any of the information or even the fact of the burglary had been communicated to anyone associated with the prosecution.

*Marion  
advised  
4/18/73  
re-constructed  
to look - the  
1973*





UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# Memorandum

TO : Kevin T. Maroney  
Deputy Assistant Attorney General  
Criminal Division

DATE: April 18, 1973

FROM : John L. Martin

COURT'S TRIAL  
EXHIBIT

28

SUBJECT: U.S. V. ANTHONY J. RUSSO, JR. AND DANIEL ELLSBERG

Today, I was informed by you that an allegation has been made that the office of Daniel Ellsberg's psychiatrist had been burglarized by certain defendants convicted in the Watergate case.

I am familiar with all of the reports, memoranda and other investigative materials in the case of U.S. v. Anthony J. Russo, Jr., et. al. and based upon my familiarity with these materials, I am able to state without equivocation that I am completely unaware of any information developed in this case which could have possibly emanated from such a source.

Furthermore, today you and I called James Wagoner, who supervises the FBI investigation of the case, and he informed us that he has absolutely no knowledge of any alleged burglary or any information which could possibly have come from such a source.

I also checked with Dave Nissen and he advised that no information has come to his attention during the course of this case which could have emanated from such a source.





## DEPARTMENT OF JUSTICE

## ROUTING SLIP

TO:	NAME	DIVISION	BUILDING	ROOM
1.				
2.	<i>Mr. Petersen</i>			
3.	Mr. Petersen			
4.				

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ 4/18/73 <i>4/18/73</i>		

## REMARKS

*Henry -*  
 Henry -  
 The people most familiar with the evidence in Ellsberg are unaware of any info which could have come from such a source, and so am I.

KM

FROM:	NAME	BUILDING & ROOM	EXT.	DATE
	KEVIN T. MARONEY			
	Kevin T. Maroney			





**PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972**  
**SENATE RESOLUTION 60**

---

**HEARINGS**  
**BEFORE THE**  
**SELECT COMMITTEE ON**  
**PRESIDENTIAL CAMPAIGN ACTIVITIES**  
**OF THE**  
**UNITED STATES SENATE**  
**NINETY-THIRD CONGRESS**  
**FIRST SESSION**

---

**WATERGATE AND RELATED ACTIVITIES**  
**Phase I: Watergate Investigation**  
**WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973**  
**Book 9**



Printed for the use of the  
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1973

96-296 O

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Mr. DASH. On April 18, did the President call you concerning the immunity question?

Mr. PETERSEN. Yes.

Mr. DASH. Can you tell us briefly about that call?

Mr. PETERSEN. The President called me—I recall it was in middle or late afternoon—and said that as a result of his conversation with the President he felt that—Dean had said he had been immunized, said the President, and I said, “Mr. President, that is not so. We are in the process of determining whether or not he should be immunized but we have made no decision and so far as normal immunity is concerned, only I can grant it. The prosecutors don’t have the authority. I am certain that is not so but I will check.”

I called Earl Silbert and said—and he said, of course, just what I said and I said, “That is fine, but go on back to his counsel” and his counsel agreed, “No, we are just in a preliminary negotiation, and no immunity has been offered or accepted.”

When I called the President back I told him that. He said, “Well, you know, I have it on tape if you want to hear it,” and I said “No, I don’t want to hear it because I don’t want to get anything except what we are getting from John Dean directly.”

Mr. DASH. He said he had it on tape. Did he indicate it as a tape of Mr. Dean?

Mr. PETERSEN. No; he did not, and I didn’t ask him.

Mr. DASH. Is that where the matter stood?

Mr. PETERSEN. That is where the matter stood; yes, sir.

Mr. DASH. On April 16, did you receive a memorandum from Mr. Silbert concerning the Ellsberg psychiatrist’s break-in?

Mr. PETERSEN. Yes, sir; I did.

Mr. DASH. Was that the first time that you learned of that break-in?

Mr. PETERSEN. To be precise I ought to correct that. The memorandum was dated April 16. I think I received it on the 17th. Mr. Dash.

Mr. DASH. Right. Was that the first time you learned of the break-in?

Mr. PETERSEN. I think Earl told me on the telephone—this is what told us—“I am sending you a memorandum.”

Mr. DASH. And what did you do when you received that memorandum?

Mr. PETERSEN. I sent it to Deputy Assistant Attorney General Kevin Marony. I said, “Kevin, check this out. Let me know what this is about.” Mr. Marony came back with a note from him and a memorandum from one of his staff in which they said we have no such information, nor does the FBI. Then we asked him to check whether or not there was a psychiatrist involved, and what have you. They did and they turned up from the FBI records that an individual by the name of Fielding had been interviewed.

Well, that clicked. That led us to the photographs and then we made the connection. I advised the President of that and kind of in response to his, well, what’s new, and I told him that we had received this information.

Mr. DASH. Did he indicate that he knew anything about that break-in when you told him about it?





PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972  
SENATE RESOLUTION 60

---

HEARINGS  
BEFORE THE  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES  
OF THE  
UNITED STATES SENATE  
NINETY-THIRD CONGRESS  
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES  
Phase I: Watergate Investigation  
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973  
Book 6



Printed for the use of the  
Select Committee on Presidential Campaign Activities

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WASHINGTON : 1973

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# IV

Weicker, Hon. Lowell P., Jr.----- Ulasewicz: 2266,  
2270-2276. LaRue: 2333-2338. Mardian: 2403-2410, 2419-2429,  
2434, 2435. Strachan: 2481-2485, 2504-2506. Ehrlichman: 2625-  
2630.  
Dash, Samuel, chief counsel and staff director----- LaRue: 2277-2301.  
Strachan: 2445-2466. Ehrlichman: 2522-2554.  
Thompson, Fred D., minority counsel----- LaRue: 2301-2306.  
Mardian: 2378-2382. Strachan: 2466-2473. Ehrlichman: 2554-  
2570.  
Lenzner, Terry F., assistant chief counsel----- Ulasewicz: 2219-2238.  
Hamilton, James, assistant chief counsel----- Mardian: 2345-2377, 2429-2433.  
Shure, H. William, assistant minority counsel----- Ulasewicz: 2238-2245.

## EXHIBITS SUBMITTED FOR THE RECORD

Nos. 78 through 86—(2276) Photographs used during the interrogation of  
Mr. Ulasewicz----- 2228-2230  
No. 87—(2328) Letter to Fred M. Vinson, Jr., Esq., from Archibald Cox,  
Special Prosecutor, dated June 12, 1973----- 2634  
No. 88—(2344) Various letters between Robert W. Barker, Esq., Fred M.  
Vinson, Esq., Maurice H. Stans, and Fred C. LaRue re: Finance  
Committee To Re-Elect the President funds in possession of  
LaRue----- 2635  
No. 89—(2367) Contents of a handwritten note furnished by Mr. Mardian  
after a telephone conversation with Mr. Stans on May 1, 1973... 2642  
No. 90—(2554) White House note for Young/Krogh from John Ehrlichman  
with attached memorandum from Bud Krogh and David  
Young. Subject: Pentagon Papers Project—Status Report as  
of August 11, 1971----- 2643  
No. 91—(2554) Memorandum for John Ehrlichman from David R. Young.  
Subject: Status of Information Which Can Be Fed Into Con-  
gressional Investigation on Pentagon Papers Affair. Also memo-  
randum for Charles Colson from John Ehrlichman. Subject:  
Hunt/Liddy Special Project No. 1----- 2646  
No. 92—(2554) For identification only and not for publication.  
No. 93—(2607) Affidavit of Henry E. Petersen----- 2652  
No. 94—(2626) Letter to Egil Krogh from J. Edgar Hoover re: President  
Nixon's letter of July 29, 1971, regarding disclosures of top-  
secret material to the public----- 2655

Note: Figures in parentheses indicate page that exhibit was officially made part of the record.

EXHIBIT No. 93

## AFFIDAVIT:

CITY OF WASHINGTON )  
 ) ss.  
 DISTRICT OF COLUMBIA )

I, HENRY E. PETERSEN, being first duly sworn, state:

1. I am an Assistant Attorney General, United States Department of Justice, in charge of the Criminal Division. Since March 26, 1973, and only since that time, I have had the primary supervisory responsibility for the Department of Justice in connection with the case of United States v. Anthony Joseph Russo, Jr., et al., No. 9373-WMB-CD, now on trial in the Central District of California.

2. I have had no information regarding an alleged unlawful entry on or about September 3, 1971, by persons then connected with the Government into the office of Daniel Ellsberg's psychiatrist until April 16, 1973, when an allegation contained in a memorandum from Earl J. Silbert, Principal Assistant, United States Attorney's Office, Washington, D.C., was submitted to me.

3. I am unaware of any information received by the Department of Justice in connection with its investigation of the unauthorized disclosure of the Pentagon Papers and in the case of United States v. Anthony Joseph Russo, Jr., et al. which came, or could have come from the alleged burglary by E. Howard Hunt, G. Gordon Liddy and others of the office of Daniel Ellsberg's psychiatrist, Dr. Lewis Fielding.

4. The xerox copies of photographs of what apparently are exterior shots of the building and parking lot in which Dr. Fielding's office is located were first delivered to the Criminal Division of the Department of Justice in about October of 1972 by the Central Intelligence Agency in connection with requests made by the prosecutive staff of the so-called Watergate case for background information pertaining to certain of the defendants in that case, including E. Howard Hunt. The significance of these xerox copies of photographs to the then-unknown alleged break-in of Dr. Fielding's office was, of course, not then realized, since I had no knowledge whatsoever of the Department of Justice file in the Pentagon Papers case until that matter was transferred to the Criminal Division as a result of the abolition of the Internal Security Division March 26, 1973 and the significance did not thereafter become apparent until a check was made of the CIA material in the Criminal Division on or about May 3, 1973, in connection with the case of United States v. Anthony Joseph Russo, Jr., et al. as a result of the Government disclosure of the memorandum of April 16, 1973, to me.



HENRY E. PETERSEN  
Assistant Attorney General  
Criminal Division

Affiant



SUBSCRIBED AND SWORN to before

me this 9th day of May, 1973

Jacqueline L. Mercer

A Notary Public in and for the City of Washington, D. C.

My Commission expires: My Commission Expires December 14, 1977



DV

119.6 Henry Petersen testimony

ks

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS

18 USC 2511 and  
18 USC 2512

26.1

United States District Courthouse  
3rd & Constitution Avenue, N. W.  
Washington, D. C.

August 23, 1973

The testimony of HENRY E. PETERSEN was taken in  
the presence of a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE, ESQ.  
Assistant Special Prosecutor  
United States Department of Justice

1 Do you want to hear it?" I said, "No, I'll accept your word  
2 for it. If you tell me that's what Dean said, I'll accept it,  
3 but I think that's wrong. I don't see that he has any reason  
4 -- he has not been immunized, and I'm the one that has to  
5 exercise the authority and I know I haven't exercised it, but  
6 I will check."

7 I asked Mr. Silbert to get in touch with Charlie  
8 Schaffer, and Earl called me back later in the evening and  
9 said, "Mr. Schaffer confirmed our understanding was correct,  
10 that we were simply negotiating for immunity and no immunity  
11 has been conferred either formally or informally."

12 I called the President back and told him that, and  
13 that seemed to reassure him. It certainly reassured me. At  
14 least he didn't think that I was misleading him, and I guess  
15 that was my real concern at that point.

16 He said, "What else is new?" I said, "I got this  
17 report that Liddy and Hunt burglarized Fielding's office."

18 Q Can I interrupt you for a second with that? Is this  
19 the first that you had ever heard in this investigation of the  
20 President or his agents tape recording any conversations?

21 A Yes, but it didn't surprise me.

22 Q I'm sorry. Go on.

23 A With respect to the second part of this conversation,  
24 I would be surprised to learn that a chief of state did not  
25 record conversations and I assumed when I spoke with him that



our conversations were being recorded.

In any event, he said, "What else is new?", and then I dropped the next bombshell. It was that Dean had informed Silbert that Liddy and Hunt and company had burglarized Dr. Fielding's office who was Ellsberg's psychiatrist.

The President said, "I know about that. That's a national security matter. Your mandate is Watergate. You stay out of that."

I said, "Well, I have caused a check to be made, and we don't have any information of that nature in the case." I said, "Do you know where there is such information?", and he said no.

He said, "There's nothing you have to do." Then I got off the phone.

I called Mr. Silbert and told him what the President had said. I guess he was kind of upset about it. He just kind of grunted or groaned. I said, "Well, Earl, that's it."

Then I called Mr. Maroney and told him to -- Mr. Maroney is the Deputy Assistant Attorney General who has the Internal Security Section which had the Ellsberg case under his jurisdiction.

Without referring to the President, I told him to forget about it, that it was easier handled -- because Maroney had previously recommended that it was not necessary to make a disclosure of the facts to the trial court on what he



120. On April 16, 1973 from 10:00 to 10:40 a.m. the President met with John Dean. The President stated that the electronic surveillance of Kraft was done through private sources because Hoover did not want to do it, but it was finally turned over to the FBI. The President stated that the surveillance was necessary because leaks from the NSC were in Kraft's and other columns. The President stated that this information was privileged and Dean agreed.

---

120.1 House Judiciary Committee transcript of a conversation between the President and John Dean, April 16, 1973, 10:00 - 10:40 a.m., 28-30.





— 120.1 Transcript of recorded  
4/16/73 conversation —

NOTE

Portions of a transcript prepared by the Impeachment Inquiry Staff of a recording of a meeting between the President and John Dean on April 16, 1973, from 10:00 to 10:40 A.M. have been separately distributed to Committee members.



121. On April 17, 1973 the President stated to William Rogers that he was thinking of Judge Byrne for the FBI directorship.

---

121.1 White House edited transcript of a tape recorded conversation among the President, William Rogers, H. R. Haldeman and John Ehrlichman, April 17, 1973, 5:20 - 7:14 p.m., 28.





SUBMISSION OF  
RECORDED PRESIDENTIAL CONVERSATIONS  
TO THE  
COMMITTEE ON THE JUDICIARY  
OF THE  
HOUSE OF REPRESENTATIVES  
BY  
PRESIDENT RICHARD NIXON

APRIL 30, 1974

Appendix 44. Meeting: The President, Rogers, Haldeman and  
Ehrlichman, EOB Office, April 17, 1973. (5:20 - 7:14 p.m.)

P Come in.

R. Mr. President

P Well.

R Well, did you make the announcement?

P Yeah.

R Sounds good, I hope.

P See if I --

R See I heard it when you did it.

P Won't hurt anything. I think it was the right move.

R Yeah - right.

P After our talk yesterday, I referred to -- I was aiming at the Ervin Committee -- managed to get that one over (unintelligible) terms we discussed. Figures though -- I mean -- Len Garment is pretty good. Talked to Petersen again today -- he was down here at the White House. And (unintelligible) charged with "got to resign." Just figures you can't keep them. Walked out in the sun and frankly put them ahead of Mitchell. But I just don't think -- you have any different views today?

P

We're working as hard as we can. The guy we're thinking of Bill (unintelligible) frankly (unintelligible) a Democrat, Irish, Catholic, bachelor, forty-two years of age. He's finishing the Ellsberg case and received plaudits for being just as fair as he can. Thank God there's a jurist of that kind. And based on (unintelligible) sense of (unintelligible). And I feel I think he'd get a hundred percent because he has the best investigative experience. A great man for the job.

R

(unintelligible)

P

He will get a hundred votes in the Senate. I think (unintelligible) Why did you burn it? Wouldn't you say, "There's no place in the FBI. We have nothing to do with politics. This is political material. Turned it over to us, showed it to us because they wanted to be sure they weren't suppressing anything and it did not involve the Watergate. (unintelligible) thought the best thing to do was the FBI."

H

Do you want us or not?

P

Oh sure, come on in.





122. On April 18, 1973 the President had a telephone conversation with Henry Petersen. Petersen told the President that the prosecutors had obtained information that the office of Daniel Ellsberg's psychiatrist had been burglarized by Hunt and Liddy. The President replied that he knew of that operation, that it was a national security matter, and that the Department of Justice was not to investigate it. The President also ordered the Watergate prosecutors not to question E. Howard Hunt about these activities as they had planned. Petersen immediately relayed the President's orders to Silbert.

---

122.1 President Nixon daily diary, April 18, 1973, Exhibit 49, In re Grand Jury, Misc. 47-73.

122.2 Henry Petersen testimony, 9 SSC 3630-31.

122.3 President Nixon statement, May 22, 1973, 9 Presidential Documents 696.

122.4 President Nixon statement, August 15, 1973, 9 Presidential Documents 993.

122.5 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1020.

122.6 Henry Petersen testimony, Watergate Grand Jury, August 23, 1973, 73-75 (received from Watergate Grand Jury).



## PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

DATE (Mo., Day, Yr.)  
APRIL 18, 1973TIME DAY  
12:04 a.m. WEDNESDAYTHE WHITE HOUSE  
WASHINGTON, D.C.122.1 President Nixon  
daily diary

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
12:05	12:20	P		The President talked with his Assistant, H. R. Haldeman.
7:58				The President went to the Oval Office.
8:17	8:26			The President met with: Ronald L. Ziegler, Press Secretary Mr. Haldeman Mr. Ziegler
8:11	8:38			
8:33	8:38			
8:38				The President went to the Cabinet Room.
8:38	10:17			The President met to discuss his energy message to Congress with bipartisan Congressional leaders. For a list of attendees, see <u>APPENDIX "A."</u> White House photographer, in/out
10:17				The President returned to the Oval Office.
10:20				The President went to the Roosevelt Room.
10:20	11:16			The President met to discuss the emigration problems regarding Soviet Jews with bipartisan Congressional leaders. For a list of attendees, see <u>APPENDIX "B."</u>
11:16				The President returned to the Oval Office.
11:22	12:11			The President met with: Giulio Andreotti, President of the Council of Ministers of Italy Andrea Cagiati, Diplomatic Advisor to Prime Minister Andreotti Neil A. Seidenman, State Department interpreter Henry A. Kissinger, Assistant
11:22	12:11			
11:22	12:11			
11:24	12:11			
12:11				The President escorted Prime Minister Andreotti to his car parked in the south driveway.
12:12				The President returned to the Oval Office. He was accompanied by John A. Volpe, Ambassador from the U.S. to Italy
12:12	12:20			The President met with Ambassador Volpe.
12:20	12:21	P		The President talked with Vice President Spiro T. Agnew.
12:22	12:25			The President met with Mr. Kissinger.

THE WHITE HOUSE

## PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 18, 1973

TIME DAY

12:25 p.m. WEDNESDAY

THE WHITE HOUSE  
WASHINGTON, D.C.

TIME		PHONE P=Placed R=Received	LD	ACTIVITY
In	Out			
12:25	12:33			The President met with: Mr. Haldeman Mr. Ziegler
12:27	12:32			
12:33	12:51			The President met with: Rainer Barzel, Chairman of the Christian Democratic Union of the Federal Republic of Germany Erich Feldweg, German interpreter Mr. Kissinger Members of the press, in/out White House photographer, in/out
12:48	12:58	P		The President talked with Secretary of the Treasury George P. Shultz.
1:03	1:17			The President met with: Congressman William G. Bray (R-Indiana) Lorin J. Badskey, Chairman of the Board and Chief Executive of LML Engineering and Manufacturing Corporation and President of Kiwanis International Darrell Coover, National Board Member of Kiwanis International Max L. Friedersdorf, Special Assistant Members of the press, in/out White House photographer, in/out
1:18				The President went to his private office.
2:43				The President returned to the Oval Office.
2:43	2:45			The President filmed a message on energy for broadcast on the evening news. Members of the press, in/out White House photographer, in/out
2:45				The President returned to his private office.
2:50	2:56	P		The President talked with his Assistant Attorney General Henry E. Petersen.
2:56				The President returned to the Oval Office.
2:57	2:58	P		The President talked with his daughter, Julie.
3:05	3:23			The President met with Mr. Ehrlichman.



PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 18, 1973

THE WHITE HOUSE  
WASHINGTON, D.C.

TIME DAY

3:24 p.m. WEDNESDAY

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
3:24	5:20			The President met with the Quadriad: George P. Shultz, Secretary of the Treasury and member of the Quadriad
3:24	5:20			Arthur F. Burns, Chairman of the Board of Governors of the Federal Reserve System and member of the Quadriad
3:24	4:55			Mr. Ehrlichman
3:45	4:00			Mr. Kissinger
4:06	5:20			Roy L. Ash, Director of the OMB and member of the Quadriad
4:06	5:20			Herbert Stein, Chairman of the Council of Economic Advisers (CEA) and member of the Quadriad
5:20	5:33			The President met with Mr. Kissinger.
5:35				The President went to the South Grounds of the White House.
5:36	6:04			The President flew by helicopter from the South Grounds of the White House to Camp David, Maryland. For a list of passengers, see <u>APPENDIX "C."</u>
6:05	6:10			The President motored from the Camp David helipad to Aspen Lodge.
6:28	6:37		P ✓	The President talked long distance with Mr. Petersen in Washington, D.C.
6:30	8:05		✓	The President met with: Mr. Haldeman Mr. Ehrlichman
6:45	7:55			The Presidential party had dinner.
8:07	8:18		P ✓	The President talked long distance with Mr. Ziegler in Washington, D.C.
8:18	8:20	P	✓	The President talked with Mr. Ehrlichman.
8:21	8:23		P ✓	The President talked long distance with Mr. Ziegler in Washington, D.C.
8:40				The President went swimming in the Aspen pool.
9:06				The President returned to Aspen Lodge.

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11/9/73  
APPENDIX "A"

Attendance confirmed by

Mr. Timmon's office

All present

BIPARTISAN CONGRESSIONAL LEADERSHIP MEETING  
April 18, 1973  
Cabinet Room  
8:30 a.m.

The President  
The Vice President  
George P. Shultz, Secretary of the Treasury  
William E. Simon, Deputy Secretary of the Treasury

Senate Majority Leader Mike Mansfield (D-Montana)  
Senate Minority Leader Hugh Scott (R-Pennsylvania)  
Senator Robert Byrd (D-West Virginia)  
Senator Henry M. Jackson (D-Washington)  
Senator Paul Fannin (R-Arizona)  
Senator Warren G. Magnuson (D-Washington)  
Senator Norris Cotton (R-New Hampshire)  
Senator John Pastore (D-Rhode Island)  
Senator George Aiken (R-Vermont)  
Senator James Buckley (Conservative-New York)  
Senator Ted Stevens (R-Alaska)

Speaker of the House Carl B. Albert (D-Oklahoma)  
House Majority Leader Thomas O'Neill (D-Massachusetts)  
House Minority Leader Gerald R. Ford (R-Michigan)  
Congressman John J. McFall (D-California)  
Congressman Leslie C. Arends (R-Illinois)  
Congressman Harley Staggers (D-West Virginia)  
Congressman Samuel Devine (R-Ohio)  
Congressman Melvin Price (D-Illinois)  
Congressman Craig Hosmer (R-California)  
Congressman Chet Holifield (D-California)  
Congressman Roger Zion (R-Indiana)  
Congressman Marvin L. Esch (R-Michigan)  
Congressman John P. Saylor (R-Pennsylvania)  
John D. Ehrlichman, Assistant  
Charles J. DiBona, Special Consultant on Energy  
Henry A. Kissinger, Assistant  
William E. Timmons, Assistant  
Roy L. Ash, Director of the OMB  
Ronald L. Ziegler, Press Secretary  
Richard K. Cook, Deputy Assistant  
Tom C. Korologos, Deputy Assistant  
Richard Fairbanks, Associate Director of the Domestic Council  
Kenneth R. Cole, Jr., Executive Director of the Domestic Council  
Peter M. Flanigan, Assistant

000113  
APPENDIX "B"

Attendance confirmed

by Mr. Timmon's office

All present

BIPARTISAN CONGRESSIONAL LEADERS MEETING TO DISCUSS THE  
QUESTION OF HEAD TAX ON SOVIET JEWISH EMIGRANTS

Roosevelt Room

April 18, 1973

President Nixon

George P. Shultz, Secretary of the Treasury

Senate Majority Leader Mike Mansfield (D-Montana)

Senate Minority Leader Hugh Scott (R-Pennsylvania)

Senator George Aiken (R-Vermont)

Senator Henry M. Jackson (D-Washington)

Senator Jacob Javits (R-New York)

Senator Abraham Ribicoff (D-Connecticut)

Speaker of the House Carl B. Albert (D-Oklahoma)

House Minority Leader Gerald Ford (R-Michigan)

House Majority Leader Thomas P. O'Neill (D-Massachusetts)

Henry M. Kissinger, Assistant

Peter M. Flanigan, Assistant

William E. Timmons, Assistant

Ronald L. Ziegler, Press Secretary

John Lehman, NSC Staff Member

HELICOPTER MANIFEST  
April 18, 1973

FROM: SOUTH GROUNDS OF THE WHITE HOUSE TO: CAMP DAVID, MD.

The President  
John D. Ehrlichman, Assistant  
H. R. Haldeman, Assistant  
Maj. John V. Brennan, Military Aide  
Dr. William M. Lukash, Personal Physician  
Manolo Sanchez  
USSS





PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972  
SENATE RESOLUTION 60

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HEARINGS  
BEFORE THE  
SELECT COMMITTEE ON  
PRESIDENTIAL CAMPAIGN ACTIVITIES  
OF THE  
UNITED STATES SENATE  
NINETY-THIRD CONGRESS  
FIRST SESSION

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WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



Printed for the use of the  
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1973

96-296 O

For sale by the Superintendent of Documents, U.S. Government Printing Office  
Washington, D.C. 20402 - Price \$3

Mr. DASH. On April 18, did the President call you concerning the immunity question?

Mr. PETERSEN. Yes.

Mr. DASH. Can you tell us briefly about that call?

Mr. PETERSEN. The President called me—I recall it was in middle or late afternoon—and said that as a result of his conversation with the President he felt that—Dean had said he had been immunized, said the President, and I said, “Mr. President, that is not so. We are in the process of determining whether or not he should be immunized but we have made no decision and so far as normal immunity is concerned, only I can grant it. The prosecutors don’t have the authority. I am certain that is not so but I will check.”

I called Earl Silbert and said—and he said, of course, just what I said and I said, “That is fine, but go on back to his counsel” and his counsel agreed, “No, we are just in a preliminary negotiation, and no immunity has been offered or accepted.”

When I called the President back I told him that. He said, “Well, you know, I have it on tape if you want to hear it,” and I said “No, I don’t want to hear it because I don’t want to get anything except what we are getting from John Dean directly.”

Mr. DASH. He said he had it on tape. Did he indicate it as a tape of Mr. Dean?

Mr. PETERSEN. No; he did not, and I didn’t ask him.

Mr. DASH. Is that where the matter stood?

Mr. PETERSEN. That is where the matter stood; yes, sir.

Mr. DASH. On April 16, did you receive a memorandum from Mr. Silbert concerning the Ellsberg psychiatrist’s break-in?

Mr. PETERSEN. Yes, sir; I did.

Mr. DASH. Was that the first time that you learned of that break-in?

Mr. PETERSEN. To be precise I ought to correct that. The memorandum was dated April 16. I think I received it on the 17th. Mr. Dash.

Mr. DASH. Right. Was that the first time you learned of the break-in?

Mr. PETERSEN. I think Earl told me on the telephone—this is what told us—“I am sending you a memorandum.”

Mr. DASH. And what did you do when you received that memorandum?

Mr. PETERSEN. I sent it to Deputy Assistant Attorney General Kevin Marony. I said, “Kevin, check this out. Let me know what this is about.” Mr. Marony came back with a note from him and a memorandum from one of his staff in which they said we have no such information, nor does the FBI. Then we asked him to check whether or not there was a psychiatrist involved, and what have you. They did and they turned up from the FBI records that an individual by the name of Fielding had been interviewed.

Well, that clicked. That led us to the photographs and then we made the connection. I advised the President of that and kind of in response to his, well, what’s new, and I told him that we had received this information.

Mr. DASH. Did he indicate that he knew anything about that break-in when you told him about it?

Mr. PETERSEN. No; he did not, Mr. Dash. I have to be very careful there. I would like to rephrase the question for you, if I can. I suppose it—

Mr. DASH. Please do.

Mr. PETERSEN. The question probably would be did he indicate he knew anything about it rather than anything about the break-in. And the President said when I told him, "I know about that. That is a national security matter. You stay out of that. Your mandate is to investigate Watergate."

Now, he didn't say he knew about the burglary. He said he knew about it—about the report. I think that is a vital distinction to be recognized.

Mr. DASH. When were you reporting this to the President?

Mr. PETERSEN. It was on April 18, sir. And he said stay out of it and after I got off the telephone, why I called up Mr. Silbert and I called up Mr. Marony and said, "Mr. Silbert." I said, "The President said stay out of it. Earl, and that is it." I called up Mr. Marony and said, "Just forget it."

Then I proceeded to ponder the situation. I discussed it with some of my staff, so in terms of the actual, and the question involved of whether or not it was producible under *Brady v. The United States*, which holds that exculpatory materials should be made available to the defense. Well, there are two views of Brady, one, that anything that may lead to an acquittal should be produced and another only that which goes to guilt or innocence is producible, and obviously, the prosecution usually takes the more narrow point of view and under that narrow a point of view it was not produced—and we stood on that for a day or so and then I rationalized that that might be true but this was really not the case to test that and I thought if we tested this in this sort of case we would probably lose it and it was such a celebrated case and it would certainly have political overtones that that type of thing ought to be disclosed, but I really didn't quite know what to do.

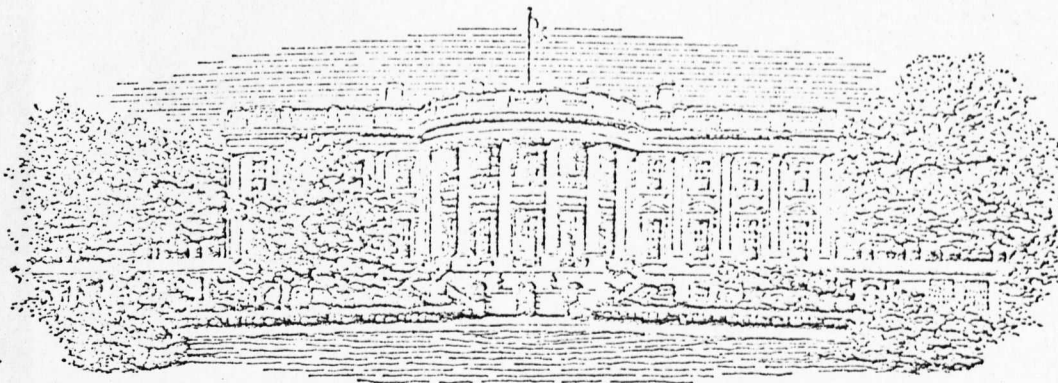
Mr. Kleindienst had recused himself of Watergate and finally on the 25th I went on up to Mr. Kleindienst's office and said, "Look, you are out of the Watergate but you are not out of Ellsberg. I need some help." And we spent most of the day talking about this and he solicited some independent opinions and concluded that I was right, that indeed it should be disclosed, and so I said, "Well, you know, the President has given me a"—

Mr. DASH. You communicated that to the President?

Mr. PETERSEN. I told Mr. Kleindienst that the President instructed me to forget about it but nonetheless I thought we ought to go to the President and if he was unhappy about it we would simply have to take the consequences and Mr. Kleindienst agreed with that. He went to the President. The President agreed. May I say, Mr. Dash, that I have been distressed by some of the criticism in the press, maybe even other places about the President on that score and I think it is wholly unwarranted. He made—he took a position with me and I think I can count myself as not the most senior but at least a senior official in the administration. We disagreed with it. We went back to him and he finally agreed with us and I think the ultimate thing is that he came out with the right answer and I think he had every right to expect us







*Weekly Compilation of*  
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Monday, May 28, 1973



Volume 9 • Number 21

Pages 685-714

The time has come to turn Watergate over to the courts, where the questions of guilt or innocence belong. The time has come for the rest of us to get on with the urgent business of our Nation.

Last November, the American people were given the clearest choice of this century. Your votes were a mandate, which I accepted, to complete the initiatives we began in my first term and to fulfill the promises I made for my second term.

This Administration was elected to control inflation—to reduce the power and size of Government—to cut the cost of Government so that you can cut the cost of living—to preserve and defend those fundamental values that have made America great—to keep the Nation's military strength second to none—to achieve peace with honor in Southeast Asia, and to bring home our prisoners of war—to build a new prosperity, without inflation and without war—to create a structure of peace in the world that would endure long after we are gone.

These are great goals, they are worthy of a great people, and I would not be true to your trust if I let myself be turned aside from achieving those goals.

If you share my belief in these goals—if you want the mandate you gave this Administration to be carried out—then I ask for your help to ensure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed.

I ask tonight for your understanding, so that as a Nation we can learn the lessons of Watergate and gain from that experience.

I ask for your help in reaffirming our dedication to the principles of decency, honor, and respect for the institutions that have sustained our progress through these past two centuries.

And I ask for your support in getting on once again with meeting your problems, improving your life, building your future.

With your help, with God's help, we will achieve those great goals for America.

Thank you and good evening.

NOTE: The President spoke at 9 p.m. in his Oval Office at the White House. His address was broadcast live on radio and television.

## The Watergate Investigation

*Statement by the President. August 15, 1973*

On May 17 the Senate Select Committee began its hearings on Watergate. Five days later, on May 22, I issued a detailed statement discussing my relationship to the matter. I stated categorically that I had no prior knowledge of the Watergate operation and that I neither knew of nor took part in any subsequent efforts to cover it up. I also stated that I would not invoke executive privilege as to testimony by present and former members of my White House Staff with respect to possible criminal acts then under investigation.

Thirty-five witnesses have testified so far. The record is more than 7,500 pages and some 2 million words long. The allegations are many, the facts are complicated, and

the evidence is not only extensive but very much in conflict. It would be neither fair nor appropriate for me to assess the evidence or comment on specific witnesses or their credibility. That is the function of the Senate Committee and the courts. What I intend to do here is to cover the principal issues relating to my own conduct which have been raised since my statement of May 22, and thereby to place the testimony on those issues in perspective.

I said on May 22 that I had no prior knowledge of the Watergate operation. In all the testimony, there is not the slightest evidence to the contrary. Not a single witness has testified that I had any knowledge of the planning for the Watergate break-in.

It is also true, as I said on May 22, that I took no part in, and was not aware of, any subsequent efforts to



write a complete report on all that he knew of the entire Watergate matter. On March 28, I had Mr. Ehrlichman call the Attorney General to find out if he had additional information about Watergate generally or White House involvement. The Attorney General was told that I wanted to hear directly from him, and not through any staff people, if he had any information on White House involvement or if information of that kind should come to him. The Attorney General indicated to Mr. Ehrlichman that he had no such information. When I learned on March 30 that Mr. Dean had been unable to complete his report, I instructed Mr. Ehrlichman to conduct an independent inquiry and bring all the facts to me. On April 14, Mr. Ehrlichman gave me his findings, and I directed that he report them to the Attorney General immediately. On April 15, Attorney General Kleindienst and Assistant Attorney General Petersen told me of new information that had been received by the prosecutors.

By that time the fragmentary information I had been given on March 21 had been supplemented in important ways, particularly by Mr. Ehrlichman's report to me on April 14, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15, and by independent inquiries I had been making on my own. At that point, I realized that I would not be able personally to find out all of the facts and make them public, and I concluded that the matter was best handled by the Justice Department and the grand jury. On April 17, I announced that new inquiries were underway, as a result of what I had learned on March 21 and in my own investigation since that time. I instructed all Government employees to cooperate with the judicial process as it moved ahead on this matter and expressed my personal view that no immunity should be given to any individual who had held a position of major importance in this Administration.

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up.

On May 22 I said that at no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer. I reaffirm that statement. Indeed, I made my view clear to Mr. Ehrlichman in July 1972, that under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout.

On May 22 I said that "it was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne." After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17 that I first learned of the break-in at the office of Dr. Fielding, and that was 4 days before the beginning of my own investigation on March 21. I was

told then that nothing by way of evidence had been obtained in the break-in. On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen to stick to the Watergate investigation and stay out of national security matters. On April 25 Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred and authorized him to report the break-in to Judge Byrne.

In view of the incident of Dr. Fielding's office, let me emphasize two things.

First, it was and is important that many of the matters worked on by the Special Investigations Unit not be publicly disclosed because disclosure would unquestionably damage the national security. This is why I have exercised executive privilege on some of these matters in connection with the testimony of Mr. Ehrlichman and others. The Senate Committee has learned through its investigation the general facts of some of these security matters and has to date wisely declined to make them public or to contest in these respects my claim of executive privilege.

Second, I at no time authorized the use of illegal means by the Special Investigations Unit, and I was not aware of the break-in of Dr. Fielding's office until March 17, 1973.

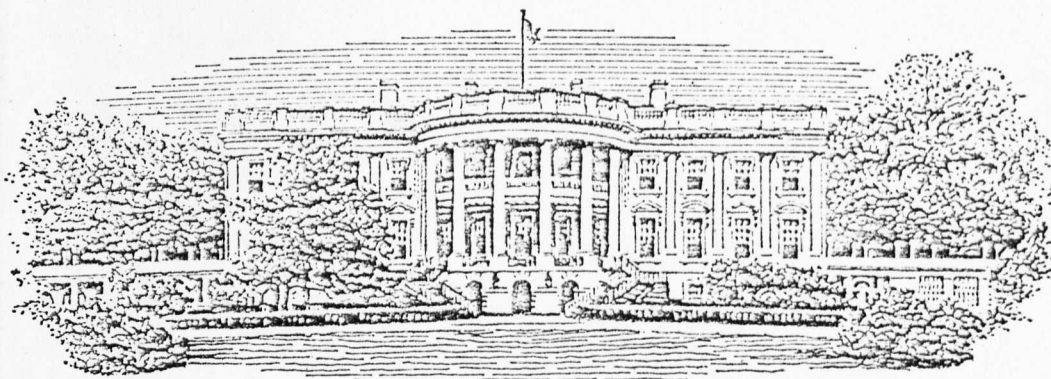
Many persons will ask why, when the facts are as I have stated them, I do not make public the tape recordings of my meetings and conversations with members of the White House Staff during this period.

I am aware that such terms as "separation of powers" and "executive privilege" are lawyers' terms, and that those doctrines have been called "abstruse" and "esoteric." Let me state the commonsense of the matter. Every day a President of the United States is required to make difficult decisions on grave issues. It is absolutely essential, if the President is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals and that they be able to talk in the same fashion with him. Indeed, on occasion, they must be able to "blow off steam" about important public figures. This kind of frank discussion is only possible when those who take part in it can feel assured that what they say is in the strictest confidence.

The Presidency is not the only office that requires confidentiality if it is to function effectively. A Member of Congress must be able to talk in confidence with his assistants. Judges must be able to confer in confidence with their law clerks and with each other. Throughout our entire history the need for this kind of confidentiality

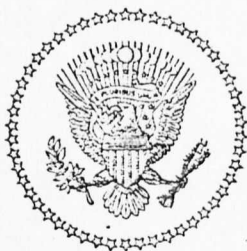






*Weekly Compilation of*  
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Monday, August 20, 1973



Volume 9 • Number 33

Pages 981-1005

## ACTION

*Announcement of Intention To Nominate  
Harry J. Hogan To Be Associate Director for  
Policy and Program Development.  
August 21, 1973*

The President today announced his intention to nominate Harry J. Hogan, of Bethesda, Md., to be Associate Director of ACTION for Policy and Program Development. He will succeed Charles W. Ervin, who resigned effective September 4, 1973.

Since 1972, Mr. Hogan has been director of government relations for Catholic University, in Washington, D.C. From 1971 to 1972, he was engaged in the private practice of law, served as a consultant on educational and environmental matters, and was professor of law at Delaware Law School, in Wilmington, Del. From 1969 to 1971, he was counsel of the House Special Subcommittee on Education.

He was born on May 2, 1914, in Newark, N.J. Mr. Hogan was graduated magna cum laude from Princeton University, received his LL.B. from Columbia Law School, and received his Ph. D. in American History from George Washington University. He served in the U.S. Navy during World War II, attaining the rank of commander.

From 1947 to 1952, Mr. Hogan was on the legal staff of the Tennessee Valley Authority, the Bureau of Land Management, and the Bureau of Indian Affairs. From 1952 to 1961, he was engaged in the private practice of law in The Dalles, Oreg., where he was twice elected District Attorney (1956 and 1960). From 1961 to 1968, Mr. Hogan served as general counsel of the Bonneville Power Administration, in Portland, Oreg.; as Associate Solicitor for Water and Power of the Department of the Interior, and as Legislative Counsel of the Department of the Interior.

Mr. Hogan is married and has three daughters. The Hogans reside in Bethesda, Md.

NOTE: The announcement was released in San Clemente, Calif.

## THE PRESIDENT'S NEWS CONFERENCE OF AUGUST 22, 1973

*Held at the Western White House*

### SECRETARY OF STATE

THE PRESIDENT. Ladies and gentlemen, I have an announcement before going to your questions.

It is with the deep sense of not only official regret, but personal regret, that I announce the resignation of Secretary of State William Rogers, effective September 3. A letter, which will be released to the press after this conference, will indicate my appraisal of his work as Secretary of State.<sup>1</sup>

I will simply say at this time that he wanted to leave at the conclusion of the first 4 years. He agreed to stay on because we had some enormously important problems coming up, including the negotiations which resulted in the end of the war in Vietnam, the Soviet summit, the European Security Conference, as well as in other areas—Latin America and in Asia—where the Secretary of State, as you know, has been quite busy over these past 8 months.

As he returns to private life, we will not only miss him, in terms of his official service, but I shall particularly miss him because of his having been, through the years, a very close personal friend and adviser.

That personal friendship and advice, however, I hope still to have the benefit of, and I know that I will.

<sup>1</sup> For an exchange of letters between the President and Secretary of State Rogers, see page 1025 of this issue.



ell, in a telephone call that I had with him immediately after it occurred, expressed great chagrin that he had not a tight enough shop, and that some of the boys, as he called them, got involved in this kind of activity, which he knew to be very, very embarrassing, apart from its illegality, to the campaign. Throughout I would have expected Mr. Mitchell to tell me in the event that he was involved or that anybody else was. He did not tell me. I don't blame him for not telling me. He has given his reasons for not telling me. I regret that he did not, because he is exactly right. Had he told me, I would have blown my stack, just as I did at Ziegler the other day. [Laughter]

Q. Mr. President, I wonder, sir, how much personal blame, to what degree of personal blame do you accept for the climate in the White House, and at the reelection committee, for the abuses of Watergate?

THE PRESIDENT. I accept it all.

Q. Mr. President, I want to state this question with due respect to your office, but also as directly as possible.

THE PRESIDENT. That would be unusual. [Laughter]

Q. I would like to think not. It concerns—

THE PRESIDENT. You are always respectful, Mr. Rather. You know that.

Q. Thank you, Mr. President. It concerns the events surrounding Mr. Ehrlichman's contact, and on one occasion your own contact with the judge in the Pentagon Papers case, Judge Byrne.

THE PRESIDENT. Yes.

Q. As I understand your own explanation of events and putting together your statement with Mr. Ehrlichman's testimony, and what Judge Byrne has said, what happened here is that sometime late in March, March 17, I believe you said, you first found out about the break-in at the psychiatrist's office of Mr. Ellsberg, that you asked to have that looked into, and that you later, I think in late April, instructed Attorney General Kleindienst to inform the judge.

Now, my question is this. If while the Pentagon Papers trial was going on, Mr. Ehrlichman secretly met once with the judge in that case, you secretly met another time the judge with Mr. Ehrlichman. Now, you are a lawyer, and given the state of the situation and what you knew, could you give us some reason why the American people should not believe that that was at least a subtle attempt to bribe the judge in that case, and it gave at least the appearance of a lack of moral leadership?

THE PRESIDENT. Well, I would say the only part of your statement that is perhaps accurate is that I am a lawyer. Now, beyond that, Mr. Rather, let me say that with regard to the secret meeting that we had with the judge, as he said, I met with the judge briefly—after all, I appointed him to the position—I met him for perhaps one minute outside my door here in full view of the whole White House Staff, and everybody else who wanted to see. I asked him how he liked his job, we did not discuss the case, and he went on for his meeting with Mr. Ehrlichman.

Now, why did the meeting with Mr. Ehrlichman take place? Because we had determined that Mr. Gray could not be confirmed, as you will recall. We were on a search for a Director of the FBI. Mr. Kleindienst had been here, and I asked him what he would recommend with regard to a Director, and I laid down certain qualifications.

I said I wanted a man preferably with FBI experience, and preferably with prosecutor's experience, and preferably, if possible, a Democrat so that we would have no problem on confirmation. He said, "The man for the job is Byrne." He said, "He is the best man." I said, "Would you recommend him?" He said, "Yes."

Under those circumstances then, Mr. Ehrlichman called Mr. Byrne. He said: Under no circumstances will we talk to you—he, Ehrlichman, will talk to you—if he felt that it would in any way compromise his handling of the Ellsberg case.

Judge Byrne made the decision that he would talk to Mr. Ehrlichman, and he did talk to him privately, here. And on that occasion, he talked to him privately, the case was not discussed at all—only the question of whether or not, at the conclusion of this case, Mr. Byrne would like to be considered as Director of the FBI.

I understand, incidentally, that he told Mr. Ehrlichman that he would be interested. Of course, the way the things broke eventually, we found another name with somewhat the same qualifications, although, in this case, not a judge. In this case, a chief of police with former FBI experience.

Now, with regard to the Ellsberg break-in, let me explain that in terms of that, I discussed that on the telephone with Mr. Henry Petersen on the 18th of April. It was on the 18th of April that I learned that the grand jury was going away from some of its Watergate investigation and moving into national security areas.

I told Mr. Petersen at that time about my concern about the security areas, and particularly about the break-in as far as the Ellsberg case is concerned.

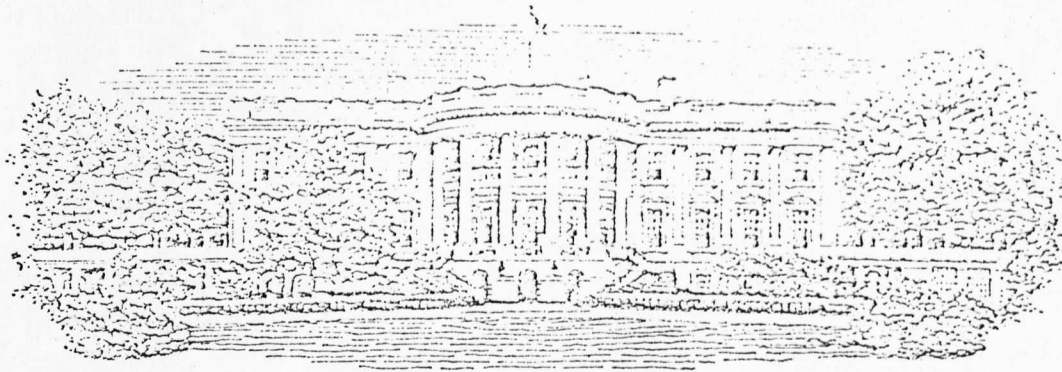
And then he asked me a very critical question, which you, as a nonlawyer will now understand, and lawyers probably will, too. He said, "Was any evidence developed out of this investigation, out of this break-in?" And I said, "No, it was a dry hole." He said, "Good."

Now, what he meant by that was that in view of the fact that no evidence was developed as a result of the break-in—which is, incidentally, illegal, unauthorized, as far as I was concerned, and completely deplorable—but since no evidence was developed, there was no requirement that it be presented to the jury that was hearing the case. That was why Mr. Petersen, a man of impeccable credentials in the law enforcement field, did not, at that time on the 18th, at a time that I told him what I had known about the Ellsberg break-in, say, "Let's present it then to the grand jury," because nothing had been accomplished, nothing had been obtained that would taint the case.

It was approximately 10 days later that Mr. Kleindienst came in and said that, after a review of the situation in the prosecutor's office in Washington, in which Mr. Pet[9734]







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Monday, August 27, 1973



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Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

NOTE: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

## The Watergate Investigation

*Statements by the President. May 22, 1973*

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.



records having been removed with the change of administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18, 1973, when I learned that Mr. Hunt, a former member of the Special Investigations Unit at the White House, was to be questioned by the U.S. Attorney, I directed Assistant Attorney General Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters and to stay out of national security matters. Subsequently, on April 25, 1973, Attorney General Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the Ellsberg case. I concurred, and directed that the information be transmitted to Judge Byrne immediately.

#### - WATERGATE

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice, and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fundraising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fundraising. Nor did I authorize any offer of executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurances that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

(1) I had no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal





123. On April 19, 1973 the President discussed with his Special Counsel, Richard Moore, Ehrlichman's possible criminal liability arising out of events connected with the Ellsberg case.

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123.1 President Nixon daily diary, April 19, 1973, Exhibit 50, In re Grand Jury, Misc. 47-73.

123.2 Richard Moore testimony, 5 SSC 1960-62.



PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

8/19/73

123.1 President Nixon daily diary

DATE (Mo., Day, Yr.)

APRIL 19, 1973

TIME

DAY

8:15 a.m. THURSDAY

CAMP DAVID,  
MARYLAND

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
8:15				The President had breakfast on the Aspen sun porch.
8:51	8:53			The President motored from Aspen Lodge to the Camp David helipad.
8:55	9:28			The President flew by helicopter from Camp David, Maryland to the South Grounds of the White House. [For a list of passengers, see <u>APPENDIX "A."</u> ]
9:31				The President, accompanied by his Assistant, H. R. Haldeman, went to the Oval Office.
9:31	10:12			The President met with: Mr. Haldeman John D. Ehrlichman, Assistant
9:32	10:12			
10:12	11:07			The President met with Assistant Attorney General Henry E. Petersen.
10:08	11:09			The President met with his Assistant, Henry A. Kissinger.
11:13				The President went to the Cabinet Room.
11:13	12:29			The President met to discuss emigration policies concerning Soviet Jews with American Jewish leaders. For a list of attendees, see <u>APPENDIX "B."</u> White House photographer, in/out
12:29				The President, accompanied by his Press Secretary, Ronald L. Ziegler, returned to the Oval Office.
12:29	12:48			The President met with Mr. Ziegler.
1:03	1:30			The President met with Mr. Ehrlichman.
1:30				The President went to the Rose Garden.
1:34				The President returned to the Oval Office.
1:36				The President went to his office in the EOB.
1:39	1:41	P		The President talked with Mr. Ziegler.
1:40	1:41			The President met with Staff Assistant Thomas Hart.
1:45	1:46	P		The President talked with Mr. Ziegler.
1:48	1:50	P		The President talked with Mr. Ehrlichman.



PLACE DAY BEGAN

DATE (Mo., Day, Yr.)

APRIL 19, 1973

CAMP DAVID,  
MARYLAND

TIME DAY

1:57 p.m. THURSDAY

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	ID	
1:57	1:58		✓	The President met with his Special Assistant, Stephen B. Bull
2:05	2:08	R		The President talked with Mr. Kissinger.
3:38		P		The President requested that his Special Counsel, Richard A. Moore, join him.
3:46	5:00		✓	The President met with Mr. Moore.
5:01	5:03		✓	The President met with Mr. Bull.
5:03	5:04	P	✓	The President talked with Mr. Ehrlichman.
5:10		P		The President telephoned his daughter, Julie. The call was not completed.
5:15	5:45		✓	The President met with Mr. Ehrlichman.
5:43	5:45	R		The President talked with his daughter, Julie.
5:53	5:54		✓	The President met with Mr. Bull.
5:58	5:59	P	✓	The President talked with Mr. Ehrlichman.
6:00	6:03	R	✓	The President talked with Mr. Ehrlichman.
6:03				The President went to West Executive Avenue.
6:03	6:13			The President motored from West Executive Avenue to Pier One of the Washington Navy Yard.
6:17	8:13			The President went boating on the <u>Sequoia</u> .
7:05	7:25			The President had dinner on board.
8:13				The <u>Sequoia</u> docked at Pier One of the Washington Navy Yard.
8:16	8:26			The President motored from the Washington Navy Yard to West Executive Avenue.
8:26				The President returned to his office in the EOB.
8:26	9:32		✓	The President met with: John J. Wilson, attorney for Whiteford, Hart, Carmody and Wilson Frank H. Strickler, attorney for Whiteford, Hart, Carmody and Wilson

THE WHITE HOUSE

## PRESIDENT RICHARD NIXON'S DAILY DIARY

(See Travel Record for Travel Activity)

PLACE DAY BEGAN

CAMP DAVID,  
MARYLAND

DATE (Mo., Day, Yr.)

APRIL 19, 1973

TIME DAY

9:37 p.m. THURSDAY

TIME		PHONE P=Placed R=Received		ACTIVITY
In	Out	Lo	LD	
9:37	9:53	P	✓	The President talked with Mr. Haldeman.
9:54		P	✓	The President telephoned Mr. Ehrlichman. The call was not completed.
9:59				The President returned to the second floor Residence.
10:54	11:04	R	✓	The President talked with Mr. Ehrlichman.

*sig*  
*11/9/73*  
APPENDIX "A"

HELICOPTER MANIFEST  
April 19, 1973

FROM: CAMP DAVID, MARYLAND

TO: SOUTH GROUNDS OF THE  
WHITE HOUSE

President Nixon  
H. R. Haldeman  
John D. Ehrlichman  
Dr. William M. Lukash, Personal Physician  
Maj. John V. Brennan, Military Aide  
Manolo Sanchez  
USSS





**PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972**  
**SENATE RESOLUTION 60**

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**HEARINGS**  
BEFORE THE  
**SELECT COMMITTEE ON**  
**PRESIDENTIAL CAMPAIGN ACTIVITIES**  
OF THE  
**UNITED STATES SENATE**  
NINETY-THIRD CONGRESS  
FIRST SESSION

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**WATERGATE AND RELATED ACTIVITIES**

**Phase I: Watergate Investigation**

WASHINGTON, D.C., JULY 11, 12, 13, 16, AND 17, 1973

**Book 5**



Printed for the use of the  
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

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WASHINGTON : 1973

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what was behind that? Did you try to get details of what that involved?

Mr. MOORE. No.

Mr. LENZNER. This is the first time you had heard about blackmail, was it not, by Mr. Hunt?

Mr. MOORE. Yes.

Mr. LENZNER. Had you heard previous to that meeting that Mr. Hunt, Mr. Liddy, or Mr. Dean had been involved in earlier activities that could be seriously embarrassing to the administration?

Mr. MOORE. Yes.

Mr. LENZNER. When was that for the first time?

Mr. MOORE. I can't quite place it. It was in this growing or accelerating period in mid-March, as Mr. Dean was coming under more and more daily pressure, where he talked to me a bit more than he had been doing. At one point, he said what I testified to about these activities.

Mr. LENZNER. Well, what activities was he talking about?

Mr. MOORE. I don't know.

Mr. LENZNER. You never asked him what specific activities might be embarrassing to the administration?

Mr. MOORE. No.

Mr. LENZNER. When did you first learn of the break-in of Dr. Ellsberg's psychiatrist?

Mr. MOORE. I can't give you that date. I don't know the exact date.

Mr. LENZNER. Was it sometime in March of 1973?

Mr. MOORE. No. It would have been later than that.

Mr. LENZNER. Well, you don't have any recollection of when that date was? That was rather significant information, was it not?

Mr. MOORE. Yes. There is an awful lot of significant information coming out in these days, and as to fixing the date—I can do a little checking on that and see if I can find anything that would remind me of the date.

Mr. LENZNER. Did Mr. Dean tell you who was involved in that break-in whenever you heard about it?

Mr. MOORE. I don't recall that he did.

Mr. LENZNER. Well, at one point, he did, didn't he? Didn't you once review with him a list of people who might be indicted who were employed at the White House.

Mr. MOORE. Yes.

Mr. LENZNER. When was that?

Mr. MOORE. I believe it was either April 13 or April 14, 1973.

Mr. LENZNER. Did he indicate to you that Mr. Ehrlichman might be indicted?

Mr. MOORE. Yes.

Mr. LENZNER. And did he indicate why?

Mr. MOORE. He said he might have trouble over that \$350,000.

Mr. LENZNER. That was Mr. Haldeman, Mr. Moore?

Mr. MOORE. You said Mr. Haldeman.

Mr. LENZNER. No, Mr. Ehrlichman.

Mr. MOORE. I asked, as I recited to you earlier today, when I saw the list, I pointed to Ehrlichman and I said, what has he got to do with Watergate? You know, what is this?

He said, his problem may be with Ellsberg.

Mr. LENZNER. Well, did he say anything else?

Mr. MOORE. I think I told you that I cannot recall whether at that time, having now learned about the break-in and having heard about it, whether Ellsberg was synonymous with the break-in or whether I would now attach that to it. I have been puzzled about it and I will acknowledge that I don't recall whether—Mr. Dean was often cryptic and I don't remember that he said anything more than Ehrlichman's trouble may be Ellsberg.

Mr. LENZNER. The trial of that case was on that time. Did you ask him what Ehrlichman's relationship to Ellsberg was? He surely was not on trial with him. What was the relationship?

Mr. MOORE. I do not know. As I say, it is possible that he mentioned it but I cannot pin that down and this would have been April 14.

Mr. LENZNER. Well, did you ask him any questions on that subject of Ehrlichman's relationship to Ellsberg?

Mr. MOORE. No, no, I was—no.

Mr. LENZNER. Did you tell anybody about that matter? Did you tell the President about it, the possibility of Mr. Ehrlichman's involvement with Ellsberg, which was rather vague in your mind?

Mr. MOORE. Yes.

Mr. LENZNER. Did you tell the President?

Mr. MOORE. Yes.

Mr. LENZNER. When did you tell the President?

Mr. MOORE. On August 19—pardon, April 19.

Mr. LENZNER. About 5 days after you learned of it, is that correct?

Mr. MOORE. I think it was that soon, yes.

Mr. LENZNER. What did you tell the President and who else was present?

Mr. MOORE. I was the only one with the President, and it was 2 days after his April 17 statement and we had a discussion about it, we had a conversation and that is what it was.

Mr. LENZNER. Well, do you recall what specifically you said about Mr. Ehrlichman's involvement with the *Ellsberg* case?

Mr. MOORE. Yes. Well, you say specifically.

Mr. LENZNER. Well, to the best of your recollection, Mr. Moore.

Mr. MOORE. I am trying to recall and I want to be careful about the circumstances. I told him that Mr. Dean had shown me this list, and I recalled the names from memory, I did not cover them all, I mentioned the names that I remembered, and I simply said that I did not understand it or I did not understand how realistic it was. In discussing the names I said Dean had told me that apparently in his opinion, Mr. Ehrlichman's problem might be involved with the *Ellsberg* case. Whether by then I knew about the Ellsberg break-in, I do not know. I do not think I said break-in. I think I said Ellsberg or the *Ellsberg* case.

Mr. LENZNER. What was the President's reaction to that? What did he say to you at that time?

Mr. MOORE. He said that, of course, investigation of Ellsberg had had to be done because Mr. Hoover could not be counted on doing it because Mr. Hoover was a close friend of Mr. Ellsberg's father—father-in-law.

Mr. LENZNER. Father-in-law, yes, sir. Go ahead, what else did he say?

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Mr. MOORE. That is all he said.

Mr. LENZNER. Well, what relationship did that have with Mr. Ehrlichman's involvement with Mr. Ellsberg? Did he tell you that Mr. Ehrlichman had an investigation conducted by this so-called Plumbers group because Mr. Hoover could not be relied upon himself?

Mr. MOORE. Well, I am not—I was not a student of the Ellsberg case and I do not remember the dates or the procedures. The question was that, the point was that, the White House had set up a security operation to investigate Mr. Ellsberg's activities in leaking top-secret documents and possibly giving them to a foreign embassy of the other great superpower, and that the President said in view of the fact that Mr. Hoover would not undertake this investigation, the White House undertook it, and he did not—I think that was about all he said.

Mr. LENZNER. Did he say that he knew that there had been a break-in of Dr. Ellsberg's psychiatrist?

Mr. MOORE. No, he did not.

Mr. LENZNER. Was it your impression that he did know?

Mr. MOORE. I have long since learned not to try to draw impressions from the President in that fashion. I did not say anything about it.

Mr. LENZNER. Now, are you aware of the fact that during Mr. Richardson's confirmation hearings on May 22, in response to a question from Senator Byrd, Mr. Richardson said the President and he had spoken on Sunday, April 25, and the President told him he had found out about the break-in on April 25. Were you aware of that testimony?

Mr. MOORE. No.

Mr. LENZNER. I have no more questions at this time, Mr. Chairman.

Senator ERVIN. The committee will stand in recess until 10 o'clock tomorrow.

[Whereupon at 4:55 p.m., the committee recessed to reconvene at 10 a.m., Friday, July 13, 1973.]